

- b) The qualifying degree is a master's or doctoral degree from an accredited or approved school.
- c) The applicant submits fingerprints.
- d) The applicant completes certain California-specific coursework in law and ethics, California cultures, and child abuse assessment and reporting. The applicant must also take or show evidence of having taken coursework in (or having applied experience in) suicide risk assessment and intervention.
- e) The applicant passes the Board's California law and ethics exam.

This Bill

- 1) Effective July 1, 2023, requires all boards under DCA to issue a temporary license to practice a profession or vocation to an applicant after appropriate investigation, if they meet the following requirements (BPC §115.6(c) and (d)):
 - a) They are married to or in a domestic partnership or legal union with an active duty member of the U.S. Armed Forces who is assigned to active duty in this state.
 - b) They hold a current, active, and unrestricted license to practice the profession **within the same scope** in another state or territory of the U.S.
 - c) They submit an application to the board, including a signed affidavit attesting that they meet all the requirements for the temporary license. It must also include written verification from their original licensing jurisdiction stating their license is in good standing.
 - d) They have not committed any act that would have constituted grounds for denial, suspension, or revocation of the license under California law. They also must not have been disciplined by another licensing entity or be the subject of an unresolved complaint, review, or disciplinary proceeding by another licensing entity.
 - e) They must provide fingerprints upon request by a board, and the board shall request a fingerprint-based criminal history information check from the Department of Justice.
 - f) They must pass a California law and ethics examination if the board requires one.
- 2) Permits a DCA board to conduct an investigation of an applicant, including a criminal background check, for purposes of denying or revoking a temporary license. (BPC §115.6(b))

- 3) Requires a DCA board to issue the temporary license within 30 days of receiving documentation that the applicant has met the requirements listed in item #1 above if the results of the criminal background check do not show grounds for denial. (BPC §115.6(e))
- 4) Permits a temporary license to be immediately terminated on finding the holder failed to meet any of the requirements specified in item #1 above or provided substantively inaccurate information that would affect their eligibility for temporary licensure. If terminated, the board must issue a termination notice requiring practice be ceased immediately. (BPC §115.6(f))
- 5) Requires a board to revoke a temporary license after notice and opportunity to be heard if it finds a temporary licenseholder engaged in unprofessional conduct or another act that is cause for board discipline. (BPC §115.6(f))
- 6) Requires that a temporary license **is nonrenewable** and expires 12 months after issuance, or upon issuance **or denial** of an expedited license, a standard license, or a license by endorsement, whichever occurs first. (BPC §115.6(h))
- 7) Requires a board to submit draft regulations to DCA, if necessary, to implement their temporary license program. (BPC §115.6(i))
- 8) States that the temporary license program shall not apply to a board with a process in place for this type of applicant to receive expedited temporary authorization to practice while meeting state-specific requirements for at least a one-year period, or is able to receive an expedited licensure by endorsement with no additional requirements other than what is described in item #1 above. (BPC §115.6(j))
- 9) Requires DCA to compile information on military, veteran, and spouse licensure into an annual report for the Legislature. The report must contain specified information, including the number of temporary license applications, the number of expedited license applications, processing time of these licenses, and the number of these licensed issued and denied per year. (BPC §115.8)
- 10) Requires DCA and each of its boards to publish information regarding all licensing options available to military spouses on the home page of its internet website. (BPC §115.9)

Comments

1) **Author's Intent**

The author states that 24 percent of military spouses are unemployed, compared with 9 percent unemployment nationally. These unemployed spouses on average search for work for 4 months. They also state that almost 35 percent of military spouses work in a profession that requires a license. The goal of this bill is to help

ensure that military spouses can seamlessly become employed in some of the most commonly held jobs and continue to support their families.

2) Current Board Process

The Board does not currently have a temporary license status, nor does it have licensing reciprocity with any other states. It does have a “licensure by credential” pathway to licensure, which is a streamlined process for qualifying licensees in other states who have been licensed for at least two years (described below).

The Board is already required 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.
- That the clinical exam be passed (the Board would only require this if the applicant had been licensed in their state less than 2 years).
- That the applicant’s degree be from an accredited or approved educational institution.

Each applicant’s education and experience is examined by the Board licensing evaluator during the review of the application. Bypassing this review 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 regular license is issued, whichever occurs first. A consumer who seeks mental health services often seeks treatment for an extended period of time. Having a practitioner whose temporary license expires could disrupt the continuity of care for patients.

5) Staffing and Breeze Impact

The Board does not currently have a temporary license status, and therefore one would need to be created within the Breeze system, which could result in a fiscal impact.

Adding a new license type would increase staff workload, and therefore may create a need for new staff.

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

6) License Portability and the Board of Behavioral Sciences

The Board recently successfully implemented license portability legislation for its LMFT, LCSW, and LPCC applicants. SB 679 (Chapter 380, Statutes of 2019) became effective on January 1, 2020 and established what the Board now calls “licensure by credential.”

SB 679 was the result of a lengthy deliberation process by the Board’s special license portability committee on the best way to balance ease of licensure across state lines with public protection and the need for practitioners to be prepared to practice safely and effectively in California’s diverse environment. The bill we are considering today, AB 107, makes key omissions of requirements that were carefully considered and placed in SB 679:

- It does not require the military applicant to have held their current license for at least the past 2 years to obtain a temporary license.
- It does not require any California-specific coursework prior to beginning practice under a temporary license (California law and ethics, California cultures, and child abuse assessment and reporting.)

Given the care that the Board took with SB 679 to craft a fair process to reduce barriers for all out-of-state applicants for licensure, balanced with the need to ensure practitioners are prepared to practice in California’s unique environment, the Board should discuss whether SB 679’s “licensure by credential” pathway is sufficient to assist military spouse applicants, or if additional accommodations for them such as temporary licensure are necessary.

7) Effect on LEPs

SB 679 did not establish a licensure by credential option for LEPs, because not many other states license them. The only other state staff found that issues an LEP license is Massachusetts. In checking with the California Association of School Psychologists (CASP), which is the professional association for LEPs, they also stated that Massachusetts is the only other state that they are aware of with a similar license.

Licensure as an LEP in Massachusetts requires a master's or doctoral degree in school psychology, (including 60 graduate credit hours and 1,200 practicum hours), two years of supervised experience as a school psychologist, and passage of the National School Psychology Examination. See **Attachment A** for the regulatory requirements for LEP licensure in Massachusetts.

8) Previous Board Position.

At its meeting on May 7, 2021, the Board took an “oppose unless amended” position on this bill and ask that the Board be removed from the provisions of the bill. The Board cited concerns that because California has a uniquely diverse environment, it is essential for Board practitioners to take (and subsequently demonstrate understanding by passing exams) California-specific coursework. Otherwise, public protection for consumers of therapy could be jeopardized, and practitioners could place their license in jeopardy due to lack of knowledge.

The Board again considered AB 107 on July 7, 2021, and decided to leave its “oppose unless amended” position in place, and continue to ask to be removed from the provisions of the bill.

The bill was amended since the July 7th meeting. Several amendments have been made since that time, but the Board has not been removed from the provisions of the bill as requested.

9) Implementation Concerns and Discussion with Author's Office.

Staff reached out to the author's office to express the Board's concerns regarding the following:

- Potential implementation issues, such as when an applicant may qualify for a temporary license but would not qualify for a regular license (due to a non-accredited degree, lack of required practicum, or coursework, etc.) or may still need an associate registration to gain hours.
- Continuity of care, and the need for the client to be aware an individual is practicing on a temporary license.
- The importance of ensuring temporary licensees have taken California-specific coursework related to cultures, law and ethics, and child abuse reporting.

10) Recent Legislation

Last year's AB 3045 (Gray) would have required the Board to issue a license to an honorably discharged military member or the spouse of an active duty military member licensed in another state if they met specified requirements. The Board took an “oppose unless amended” position on AB 3045, requesting that it be removed from the provisions of the bill. The Board was concerned that AB 3045 would undermine careful work it had just completed with the passage SB 649,

which 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.

11) Related Legislation

- SB 1226 (Chapter 657, Statutes of 2014) requires boards to expedite the initial licensure process for an applicant who supplies satisfactory evidence to the board that he or she has served as an active duty member of the Armed Forces of the United States and was honorably discharged.
- AB 186 (Chapter 640, Statutes of 2014) proposed requiring boards within DCA to issue a temporary license to an applicant who is a spouse of a military member stationed in California and who is already eligible for an expedited license.

The Board had taken an "oppose unless amended" position on this legislation, asking that it be removed from the requirements of this bill. Per the Board's request, this bill was ultimately amended to remove the Board from the temporary licensure requirements.

- AB 1057 (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.
- AB 1904 (Chapter 399, Statutes of 2012) 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.

12) Support and Opposition

Support

- American Legion, Department of California
- Amvets, Department of California
- Beale Military Liaison Council, INC.
- California Association for Health Services At Home
- California Association of County Veterans Service Officers
- California Board of Accountancy
- California Defense Community Alliance
- California State Commanders Veterans Council
- City of Monterey
- City of Yuba City
- Military Services in California
- Monterey Bay Defense Alliance
- San Diego Military Advisory Council (SDMAC)

- South Bay Aerospace Alliance
- Travis Community Consortium
- U.S. Department of Defense
- Vietnam Veterans of America, California State Council
- Yuba Co. Supervisor, Gary Bradford, 4th District
- Yuba County
- Yuba County Board of Supervisors
- One Individual

Oppose

- Board for Professional Engineers, Land Surveyors, and Geologists
- Board of Behavioral Sciences
- Dental Hygiene Board of California
- Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

13) History

09/02/21 Read third time and amended. Ordered to second reading.

08/30/21 Read second time. Ordered to third reading.

08/26/21 Read second time and amended. Ordered returned to second reading.

08/26/21 From committee: Amend, and do pass as amended. (Ayes 7. Noes 0.) (August 26).

08/16/21 In committee: Referred to suspense file.

07/15/21 Read second time and amended. Re-referred to Com. on APPR.

07/14/21 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (July 14).

06/30/21 From committee: Do pass and re-refer to Com. on M. & V.A. (Ayes 13. Noes 0.) (June 30). Re-referred to Com. on M. & V.A.

06/21/21 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.

06/09/21 Referred to Coms. on B., P. & E.D. and M. & V.A.

06/02/21 In Senate. Read first time. To Com. on RLS. for assignment.

06/01/21 Read third time. Passed. Ordered to the Senate. (Ayes 79. Noes 0.)

05/24/21 Read second time. Ordered to third reading.

05/20/21 From committee: Do pass. (Ayes 16. Noes 0.) (May 20).

05/20/21 Coauthors revised.

05/12/21 In committee: Set, first hearing. Referred to APPR. suspense file.

04/29/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (April 28). Re-referred to Com. on APPR.

04/29/21 Coauthors revised.

04/21/21 Re-referred to Com. on M. & V.A.

04/20/21 From committee chair, with author's amendments: Amend, and re-refer to Com. on M. & V.A. Read second time and amended.

03/25/21 Re-referred to Com. on M. & V.A.
03/24/21 Read second time and amended.
03/23/21 From committee: Amend, and do pass as amended and re-refer to
Com. on M. & V.A. (Ayes 17. Noes 0.) (March 23).
03/01/21 Re-referred to Com. on B. & P.
02/25/21 From committee chair, with author's amendments: Amend, and re-
refer to Com. on B. & P. Read second time and amended.
02/25/21 Referred to Coms. on B. & P. and M. & V.A.
01/11/21 Read first time.
12/17/20 From printer. May be heard in committee January 16.
12/16/20 Introduced. To print.

14) Attachments

Attachment A: State of Massachusetts Regulations 262 CMR 5.00: Requirements
for Licensure as an Educational Psychologist

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AMENDED IN SENATE SEPTEMBER 2, 2021
AMENDED IN SENATE AUGUST 26, 2021
AMENDED IN SENATE JULY 15, 2021
AMENDED IN SENATE JUNE 21, 2021
AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
california legislature—2021–22 regular session

ASSEMBLY BILL

No. 107

**Introduced by Assembly Member Salas
(Coauthors: Assembly Members Bauer-Kahan, Gabriel, Gallagher,
Muratsuchi, and Smith)**

(Coauthors: Senators *Allen*, Archuleta, Dodd, Jones, Melendez,
Newman, and Umberg)

December 16, 2020

An act to amend Sections 2946 and 5132 of, to amend, repeal, and add Section 115.6 of, and to add Sections ~~115.8 and 115.9~~ *115.8, 115.9, and 10151.3* to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

legislative counsel's digest

AB 107, as amended, Salas. Licensure: veterans and military spouses. Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and

vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is 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 and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill, on and after January 1, 2023, would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these ~~provisions by June 15, 2022.~~ *provisions*. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited,

temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. Existing law authorizes the immediate termination of a temporary license upon a finding that the temporary licenseholder failed to meet the requirements for temporary licensure or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure.

This bill, on and after ~~January~~ *July 1, 2023*, would instead provide that these temporary licenses *are nonrenewable and* shall expire 12 months after issuance, upon issuance *or denial* of a standard license, upon issuance *or denial* of a license by endorsement, or upon issuance *or denial* of an expedited license, whichever occurs first. The bill, on and after ~~January~~ *July 1, 2023*, would also require the board to revoke a temporary license if the board finds that the temporary licenseholder engaged in unprofessional conduct or any other act that is cause for discipline by the board.

This bill would require the Department of Consumer Affairs, ~~the Department of Real Estate, and the Commission on Teacher Credentialing~~ *Affairs* to compile an annual report to the Legislature containing specified information relating to the professional licensure of veterans, servicemembers, and their spouses. The bill would also require the Department of Consumer Affairs and each board within the department to post specified information on their internet websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants. *The bill would also require the Department of Real Estate to compile specified information on military, veteran, and spouse licensure into an annual report for the Legislature.*

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Section 2946 of the Business and Professions Code proposed by SB 801 to be operative only if this bill and SB 801 are enacted and this bill is enacted last.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary
- 5 licenses to an applicant if the applicant meets the requirements set
- 6 forth in subdivision (c):
- 7 (1) Registered nurse license by the Board of Registered Nursing.
- 8 (2) Vocational nurse license issued by the Board of Vocational
- 9 Nursing and Psychiatric Technicians of the State of California.
- 10 (3) Psychiatric technician license issued by the Board of
- 11 Vocational Nursing and Psychiatric Technicians of the State of
- 12 California.

1 (4) Speech-language pathologist license issued by the
2 Speech-Language Pathology and Audiology and Hearing Aid
3 Dispensers Board.

4 (5) Audiologist license issued by the Speech-Language
5 Pathology and Audiology and Hearing Aid Dispensers Board.

6 (6) Veterinarian license issued by the Veterinary Medical Board.

7 (7) All licenses issued by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (8) All licenses issued by the Medical Board of California.

10 (9) All licenses issued by the Podiatric Medical Board of
11 California.

12 (b) The board may conduct an investigation of an applicant for
13 purposes of denying or revoking a temporary license issued
14 pursuant to this section. This investigation may include a criminal
15 background check.

16 (c) An applicant seeking a temporary license pursuant to this
17 section shall meet the following requirements:

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

23 (2) The applicant shall hold a current, active, and unrestricted
24 license that confers upon the applicant the authority to practice,
25 in another state, district, or territory of the United States, the
26 profession or vocation for which the applicant seeks a temporary
27 license from the board.

28 (3) The applicant shall submit an application to the board that
29 shall include a signed affidavit attesting to the fact that the
30 applicant meets all of the requirements for the temporary license
31 and that the information submitted in the application is accurate,
32 to the best of the applicant's knowledge. The application shall also
33 include written verification from the applicant's original licensing
34 jurisdiction stating that the applicant's license is in good standing
35 in that jurisdiction.

36 (4) The applicant shall not have committed an act in any
37 jurisdiction that would have constituted grounds for denial,
38 suspension, or revocation of the license under this code at the time
39 the act was committed. A violation of this paragraph may be

1 grounds for the denial or revocation of a temporary license issued
 2 by the board.

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

7 (6) The applicant shall, upon request by a board, furnish a full
 8 set of fingerprints for purposes of conducting a criminal
 9 background check.

10 (d) A board may adopt regulations necessary to administer this
 11 section.

12 (e) A temporary license issued pursuant to this section may be
 13 immediately terminated upon a finding that the temporary
 14 licenseholder failed to meet any of the requirements described in
 15 subdivision (c) or provided substantively inaccurate information
 16 that would affect the person’s eligibility for temporary licensure.
 17 Upon termination of the temporary license, the board shall issue
 18 a notice of termination that shall require the temporary
 19 licenseholder to immediately cease the practice of the licensed
 20 profession upon receipt.

21 (f) An applicant seeking a temporary license as a civil engineer,
 22 geotechnical engineer, structural engineer, land surveyor,
 23 professional geologist, professional geophysicist, certified
 24 engineering geologist, or certified hydrogeologist pursuant to this
 25 section shall successfully pass the appropriate California-specific
 26 examination or examinations required for licensure in those
 27 respective professions by the Board for Professional Engineers,
 28 Land Surveyors, and Geologists.

29 (g) A temporary license issued pursuant to this section shall
 30 expire 12 months after issuance, upon issuance of an expedited
 31 license pursuant to Section 115.5, or upon denial of the application
 32 for expedited licensure by the board, whichever occurs first.

33 (h) This section shall remain in effect only until ~~January~~ *July*
 34 1, 2023, and as of that date is repealed.

35 SEC. 2. Section 115.6 is added to the Business and Professions
 36 Code, to read:

37 115.6. (a) (1) Except as provided in subdivision ~~(i)~~, (j), a board
 38 within the department shall, after appropriate investigation, issue
 39 a temporary license to practice a profession or vocation to an

1 applicant who meets the requirements set forth in subdivisions (c)
2 and (d).

3 (2) Revenues from fees for temporary licenses issued by the
4 California Board of Accountancy shall be credited to the
5 Accountancy Fund in accordance with Section 5132.

6 (b) The board may conduct an investigation of an applicant for
7 purposes of denying or revoking a temporary license issued
8 pursuant to this section. This investigation may include a criminal
9 background check.

10 (c) An applicant seeking a temporary license pursuant to this
11 section shall meet the following requirements:

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

17 (2) The applicant shall hold a current, active, and unrestricted
18 license that confers upon the applicant the authority to practice,
19 in another state, district, or territory of the United States, the
20 profession or vocation *within the same scope* for which the
21 applicant seeks a temporary license from the board.

22 (3) The applicant shall submit an application to the board that
23 shall include a signed affidavit attesting to the fact that the
24 applicant meets all of the requirements for the temporary license,
25 and that the information submitted in the application is accurate,
26 to the best of the applicant's knowledge. The application shall also
27 include written verification from the applicant's original licensing
28 jurisdiction stating that the applicant's license is in good standing
29 in that jurisdiction.

30 (4) The applicant shall not have committed an act in any
31 jurisdiction that would have constituted grounds for denial,
32 suspension, or revocation of the license under this code at the time
33 the act was committed. A violation of this paragraph may be
34 grounds for the denial or revocation of a temporary license issued
35 by the board.

36 (5) The applicant shall not have been disciplined by a licensing
37 entity in another jurisdiction and shall not be the subject of an
38 unresolved complaint, review procedure, or disciplinary proceeding
39 conducted by a licensing entity in another jurisdiction.

1 (6) (A) The applicant shall, upon request by a board, furnish a
2 full set of fingerprints for purposes of conducting a criminal
3 background check.

4 (B) The board shall request a fingerprint-based criminal history
5 information check from the Department of Justice in accordance
6 with subdivision (u) of Section 11105 of the Penal Code and the
7 Department of Justice shall furnish state or federal criminal history
8 information in accordance with subdivision (p) of Section 11105
9 of the Penal Code.

10 (d) The applicant shall pass a California law and ethics
11 examination if otherwise required by the board for the profession
12 or vocation for which the applicant seeks licensure.

13 (e) Except as specified in subdivision (g), a board shall issue a
14 temporary license pursuant to this section within 30 days of
15 receiving documentation that the applicant has met the
16 requirements specified in subdivisions (c) and (d) if the results of
17 the criminal background check do not show grounds for denial.

18 (f) (1) A temporary license issued pursuant to this section may
19 be immediately terminated upon a finding that the temporary
20 licenseholder failed to meet any of the requirements described in
21 subdivision (c) or (d) or provided substantively inaccurate
22 information that would affect the person's eligibility for temporary
23 licensure. Upon termination of the temporary license, the board
24 shall issue a notice of termination that shall require the temporary
25 licenseholder to immediately cease the practice of the licensed
26 profession upon receipt.

27 (2) Notwithstanding any other law, if, after notice and an
28 opportunity to be heard, a board finds that a temporary
29 licenseholder engaged in unprofessional conduct or any other act
30 that is a cause for discipline by the board, the board shall revoke
31 the temporary license.

32 (g) An applicant seeking a temporary license as a civil engineer,
33 geotechnical engineer, structural engineer, land surveyor,
34 professional geologist, professional geophysicist, certified
35 engineering geologist, or certified hydrogeologist pursuant to this
36 section shall successfully pass the appropriate California-specific
37 examination or examinations required for licensure in those
38 respective professions by the Board for Professional Engineers,
39 Land Surveyors, and Geologists. The board shall issue a temporary
40 license pursuant to this subdivision within 30 days of receiving

1 documentation that the applicant has met the requirements specified
2 in this subdivision and subdivisions (c) and (d) if the results of the
3 criminal background check do not show grounds for denial.

4 (h) A temporary license issued pursuant to this section *is*
5 *nonrenewable and* shall expire 12 months after issuance, upon
6 issuance *or denial* of a standard license, upon issuance *or denial*
7 of a license by endorsement, or upon issuance *or denial* of an
8 expedited license pursuant to Section 115.5, whichever occurs
9 first.

10 (i) A board shall submit to the department for approval, if
11 necessary to implement this section, draft regulations necessary
12 to administer this ~~section by June 15, 2022.~~ *section.* These
13 regulations shall be adopted pursuant to the Administrative
14 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
15 Part 1 of Division 3 of Title 2 of the Government Code).

16 (j) (1) This section shall not apply to a board that has a process
17 in place by which an out-of-state licensed applicant in good
18 standing who is married to, or in a domestic partnership or other
19 legal union with, an active duty member of the Armed Forces of
20 the United States is able to receive expedited, temporary
21 authorization to practice while meeting state-specific requirements
22 for a period of at least one year or is able to receive an expedited
23 license by endorsement with no additional requirements
24 superseding those described in subdivisions (c) and (d).

25 (2) This section shall apply only to the extent that it does not
26 amend an initiative or violate constitutional requirements.

27 (k) This section shall become operative on ~~January~~ *July 1, 2023.*

28 SEC. 3. Section 115.8 is added to the Business and Professions
29 Code, to read:

30 115.8. ~~The Department of Consumer Affairs, the Commission~~
31 ~~on Teacher Credentialing, and the Department of Real Estate~~
32 ~~Affairs~~ shall compile information on military, veteran, and spouse
33 licensure into an annual report for the Legislature, which shall be
34 submitted in conformance with Section 9795 of the Government
35 Code. The report shall include all of the following:

36 (a) The number of applications for a temporary license submitted
37 by active duty servicemembers, veterans, or military spouses per
38 calendar year, pursuant to Section 115.6.

1 (b) The number of applications for expedited licenses submitted
2 by veterans and active duty spouses pursuant to Sections 115.4
3 and 115.5.

4 (c) The number of licenses issued and denied per calendar year
5 pursuant to Sections 115.4, 115.5, and 115.6.

6 (d) The number of licenses issued pursuant to Section 115.6
7 that were suspended or revoked per calendar year.

8 (e) The number of applications for waived renewal fees received
9 and granted pursuant to Section 114.3 per calendar year.

10 (f) The average length of time between application and issuance
11 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board
12 and occupation.

13 SEC. 4. Section 115.9 is added to the Business and Professions
14 Code, to read:

15 115.9. The department and each board within the department
16 shall publish information pertinent to all licensing options available
17 to military spouses on the home page of the internet website of the
18 department or board, as applicable, including, but not limited to,
19 the following:

20 (a) The process for expediting applications for military spouses.

21 (b) The availability of temporary licensure, the requirements
22 for obtaining a temporary license, and length of time a temporary
23 license is active.

24 (c) The requirements for full, permanent licensure by
25 endorsement or credential for out-of-state applicants.

26 SEC. 5. Section 2946 of the Business and Professions Code is
27 amended to read:

28 2946. (a) The board shall grant a license to any person who
29 passes the board’s supplemental licensing examination and, at the
30 time of application, has been licensed for at least five years by a
31 psychology licensing authority in another state or Canadian
32 province if the requirements for obtaining a certificate or license
33 in that state or province were substantially equivalent to the
34 requirements of this chapter.

35 (b) A psychologist certified or licensed in another state or
36 province and who has made application to the board for a license
37 in this state may perform activities and services of a psychological
38 nature without a valid license for a period not to exceed 180
39 calendar days from the time of submitting their application or from

1 the commencement of residency in this state, whichever first
2 occurs.

3 (c) A psychologist certified or licensed in another state or
4 province who is married to, or in a domestic partnership or other
5 legal union with, an active duty member of the Armed Forces of
6 the United States and who has made application to the board for
7 a license in this state may perform activities and services of a
8 psychological nature without a valid license for a period not to
9 exceed twelve months from the time of submitting their application
10 or from the commencement of residency in this state, whichever
11 first occurs.

12 (d) The board at its discretion may waive the examinations when
13 in the judgment of the board the applicant has already demonstrated
14 competence in areas covered by the examinations. The board at
15 its discretion may waive the examinations for diplomates of the
16 American Board of Professional Psychology.

17 *SEC. 5.5. Section 2946 of the Business and Professions Code*
18 *is amended to read:*

19 2946. (a) The board shall grant a license to any person who
20 passes the board's supplemental licensing examination and, at the
21 time of application, has been licensed for at least ~~five~~ two years
22 by a psychology licensing authority in another state or *territory of*
23 *the United States or* Canadian province if the requirements for
24 obtaining a certificate or license *to practice psychology* in that
25 ~~state~~ *state, territory,* or province were substantially equivalent to
26 the requirements of this chapter.

27 **A**

28 (b) A psychologist certified or licensed in another ~~state~~ *state,*
29 *territory,* or province ~~and who has made application~~ *applied* to the
30 board for a license in this state may perform activities and services
31 of a psychological nature without a valid *California* license for a
32 period not to exceed 180 calendar days from the time of submitting
33 ~~his or her~~ *their* application or from the commencement of residency
34 in this state, whichever first occurs.

35 (c) *A psychologist certified or licensed in another state or*
36 *province who is married to, or in a domestic partnership or other*
37 *legal union with, an active duty member of the Armed Forces of*
38 *the United States and who has made application to the board for*
39 *a license in this state may perform activities and services of a*
40 *psychological nature without a valid license for a period not to*

1 *exceed twelve months from the time of submitting their application*
 2 *or from the commencement of residency in this state, whichever*
 3 *first occurs.*

4 ~~The~~

5 *(d) The board at its discretion may waive the ~~examinations,~~*
 6 *examinations when in the judgment of the board the applicant has*
 7 *already demonstrated competence in areas covered by the*
 8 *examinations. The board at its discretion may waive the*
 9 *examinations for diplomates of the American Board of Professional*
 10 *Psychology. An applicant shall take and pass the required*
 11 *examinations unless waived by the board pursuant to this section.*

12 SEC. 6. Section 5132 of the Business and Professions Code is
 13 amended to read:

14 5132. (a) All moneys received by the board under this chapter
 15 from any source and for any purpose and from a temporary license
 16 issued under Section 115.6 shall be accounted for and reported
 17 monthly by the board to the Controller and at the same time the
 18 moneys shall be remitted to the State Treasury to the credit of the
 19 Accountancy Fund.

20 (b) The secretary-treasurer of the board shall, from time to time,
 21 but not less than once each fiscal year, prepare or have prepared
 22 on their behalf, a financial report of the Accountancy Fund that
 23 contains information that the board determines is necessary for
 24 the purposes for which the board was established.

25 (c) The report of the Accountancy Fund, which shall be
 26 published pursuant to Section 5008, shall include the revenues and
 27 the related costs from examination, initial licensing, license
 28 renewal, citation and fine authority, and cost recovery from
 29 enforcement actions and case settlements.

30 SEC. 7. Section 10151.3 is added to the Business and
 31 Professions Code, to read:

32 10151.3. (a) The Department of Real Estate shall compile
 33 information on military, veteran, and spouse licensure into an
 34 annual report for the Legislature, which shall be submitted in
 35 conformance with Section 9795 of the Government Code. The
 36 report shall include all of the following:

37 (1) The number of applications for expedited licenses submitted
 38 by veterans and active duty spouses pursuant to paragraphs (c)
 39 and (d) of Section 10151.2.

1 (2) *The number of licenses issued and denied per calendar year*
2 *pursuant to paragraphs (c) and (d) of Section 10151.2.*

3 (3) *The average length of time between application and issuance*
4 *of licenses pursuant to paragraphs (c) and (d) of Section 10151.2*
5 *per license type.*

6 (b) *This section shall become operative only if Section 10151.2,*
7 *as proposed to be added by Senate Bill 800 of the 2021–22 Regular*
8 *Session, is enacted and takes effect.*

9 ~~SEC. 7.~~

10 SEC. 8. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 SEC. 9. *Section 5.5 of this bill incorporates amendments to*
20 *Section 2946 of the Business and Professions Code proposed by*
21 *both this bill and Senate Bill 801. That section shall only become*
22 *operative if (1) both bills are enacted and become effective on or*
23 *before January 1, 2022, (2) each bill amends Section 294 of the*
24 *Business and Professions Code, and (3) this bill is enacted after*
25 *Senate Bill 801, in which case Section 5 of this bill shall not*
26 *become operative.*

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262 CMR: BOARD OF ALLIED MENTAL HEALTH AND
HUMAN SERVICES PROFESSIONS

262 CMR 5.00: REQUIREMENTS FOR LICENSURE AS AN EDUCATIONAL PSYCHOLOGIST

Section

5.01: Licensure Requirements

5.01: Licensure Requirements

(1) Preface. To qualify for licensure as an educational psychologist, pursuant to the requirements of M.G.L. c. 112, § 165, as amended, an applicant must provide evidence satisfactory to the Board that the professional standards and education experience requirements described in 262 CMR 5.01(3) have been met by the applicant.

All licensed educational psychologists are charged with having knowledge of the existence of 262 CMR and required to practice educational psychology in accordance with them.

(2) Definitions.

Approved Supervisor. A school psychologist who:

- (a) is licensed as an educational psychologist, or meets the qualifications for licensure as an educational psychologist by the Board; and
- (b) has a minimum of five full-time academic years, or equivalent part-time, experience as a certified school psychologist.

Board. Board of Allied Mental Health and Human Services Professions.

CAGS. Certificate of Advanced Graduate Study.

Full-Time Academic Year. A full-time academic year consists of a minimum of 180 days. Two full-time academic years consist of a minimum of 360 days.

Licensure Examination. The examination for licensure as an educational psychologist shall be the National School Psychology Examination (ETS/NTE #40) of the National Association of School Psychologists (NASP) administered by Education Testing Service (ETS). NASP Certification as an NCSP is not required for licensure. The licensure examination is administered three times per year by ETS. For information on sites, dates of administration, and fees, contact ETS.

School Psychological Services. Consists of employment by a public school system or private school or agency as a Department of Education certified school psychologist engaged in the role and performing the duties of a school psychologist. Private practice/self-employment as a school psychologist is not acceptable in fulfillment of the post-master's degree work experience in school psychological services requirement.

Supervised Clinical Experience. A minimum of 60 hours of post-master's degree supervision in the practice of school psychological services by an approved supervisor.

Supervision. A regularly scheduled meeting of not more than six school psychologists with an approved supervisor for period of at least one hour. "Peer" supervision will not be considered to be qualifying supervision for these purposes.

(3) Licensure Eligibility Categories. A candidate for licensure as an educational psychologist must meet the requirements set forth in 262 CMR 5.01(3)(a) through (e):

(a) A Master's Degree, CAGS, or Doctoral Degree in School Psychology from an Educational Institution Licensed or Accredited by the State in which it is Located. The applicant's graduate degree must consist of:

- 1. a minimum of 60 credits of approved graduate course work: If an applicant's graduate degree program of study consisted of less than 60 credits of approved graduate course work, evidence of completion of graduate level courses outside of the degree program sufficient to meet the 60 credit approved courses requirement must be submitted to the Board for review

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and approval;

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5.01: continued

2. a Practicum/Internship experience consisting of a minimum of 1200 clock hours of supervised field placement. If an applicant's graduate degree program of study did not include a minimum of 1200 clock hours of supervised field placement, evidence of completion of additional hours of supervised field placement outside of the graduate degree program sufficient to meet the 1200 clock hour requirement must be submitted to the Board for review and approval;
- (b) Current certification (copy of certificate) as a school psychologist by the Department of Education of the Commonwealth of Massachusetts or comparable certification from another state;
- (c) A minimum of two full-time academic years, or equivalent part-time, post-master's degree experience in school psychological services;
- (d) Successful completion of a Supervised Clinical Experience; and
- (e) Achievement of a passing score on the licensure examination.

REGULATORY AUTHORITY

262 CMR 5.00: M.G.L. c. 112, §§ 163 through 172, c. 13, §§ 88 through 90, St. 1987 c. 521, as amended by St. 1989 c. 720 and St. 1990 c. 477.