

Date of Hearing: May 21, 2020

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 2549 Salas – As Amended May 18, 2020

SUBJECT: Department of Consumer Affairs: temporary licenses.

SUMMARY: Adds specified licensing boards to the list of boards that are required to issue temporary licenses to military spouses, requires boards under the requirement to promulgate regulations, as specified, and makes other technical changes.

EXISTING LAW:

- 1) Establishes the Department of Consumer Affairs (DCA) within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Provides for the licensure and regulation of various professions and vocations by boards, bureaus, and other entities within the DCA. (BPC §§ 22, 100-144.5)
- 3) Requires a board within the DCA to issue, after appropriate investigation, 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 holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. (BPC § 115.6)

THIS BILL:

- 1) Adds the following boards to the existing requirement to issue temporary licenses to specified military spouses:
 - a) The Dental Board of California.
 - b) The Dental Hygiene Board of California.
 - c) The California State Board of Pharmacy.
 - d) The State Board of Barbering and Cosmetology.
 - e) The Board of Psychology.
 - f) The California Board of Occupational Therapy.
 - g) The Physical Therapy Board of California.
 - h) The California Board of Accountancy.

- 2) Specifies that the revenues from fees for temporary licenses issued by the California Board of Accountancy shall be credited to the Accountancy Fund.
- 3) Clarifies that the boards required to issue temporary licenses shall issue the license within 30 days of receiving the required documentation.
- 4) Requires the boards required to issue temporary licenses to submit to the DCA for approval draft regulations necessary to administer the temporary license programs by January 1, 2022, and specifies that the regulations shall be adopted pursuant to the Administrative Procedure Act.
- 5) Exempts boards from the temporary license requirements if the board already has a similar process in place.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, “We must do more for military spouses, who are six times more likely to be unemployed, find a job so that they can put food on the table. Transferring professional licenses that spouses have already earned should be a seamless process that allows spouses to quickly find well-paying jobs in their field. This program has already worked for 6 years, and by expanding it to include more common occupations of military spouses we can ensure our military families will thrive in California.”

Background. In California, many professions require a license to legally practice. The majority of professional licensing programs are administered by licensing boards, bureaus, and other entities within the DCA. The DCA licensing entities are established to protect the people of California through adequate regulation of businesses and professions that engage in activities that risk harm to the health, safety, and welfare of the public (BPC § 101.6).

The licensing entities establish the minimum level of competency required to engage in the occupations they regulate. As a result, an applicant seeking a license to practice from a licensing authority must demonstrate the ability to provide safe and effective services to the public. However, to avoid creating unnecessary barriers to entering a profession, the requirements should not require more than the minimum amount of training, education, and experience necessary to practice safely.

Temporary licenses. Temporary licenses are typically issued to applicants seeking licensure within a professional occupation who are able to immediately demonstrate meeting some of the qualifications required for licensure. This allows them to practice while the remainder of the qualifications are obtained or verified. For example, applicants who hold an active professional license in another state and have passed a national licensing examination may still have educational requirements to meet in order to become licensed in California.

Currently, eight boards are required to issue temporary licenses. These include registered nurse licenses by the Board of Registered Nursing, vocational nurse and psychiatric technician licenses issued by the Board of Vocational Nursing and Psychiatric Technicians, Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Veterinarian license issued by the Veterinary Medical Board, all licenses

issued by the Board for Professional Engineers, Land Surveyors, and Geologists, and all licenses issued by the Medical Board of California.

This bill would additionally require, at the request of the bill's supporters, temporary licenses be expanded to all licenses issued by the Dental Board, the Dental Hygiene Board, the State Board of Pharmacy, the Board of Accountancy, the Veterinary Medical Board, the State Board of Barbering and Cosmetology, the Board of Psychology, the Board of Occupational Therapy, and the Physical Therapy Board.

Current Related Legislation. AB 2185 (Patterson), which is also set to be heard in this Committee on May 21, 2020, would require each board, except as specified, within the DCA to issue a license to an applicant in the discipline for which the applicant applies if the person meets certain requirements, including, but not limited to, that the person is married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as specified.

AB 3045 (Gray), which is also set to be heard in this Committee on May 21, 2020, would require boards not subject to the temporary licensing provisions under existing law to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or 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, as specified. AB 3045 would also require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license.

Prior Related Legislation. AB 186 (Maienschein), Chapter 640, Statutes of 2014, established the initial temporary license program this bill is amending.

ARGUMENTS IN SUPPORT:

The American Legion, Department of California, AMVETS, Department of California, California State Commanders Veterans Council, Military Officers Association of America, California Council of Chapters, and the Vietnam Veterans of America, California State Council, write in support, "Military families face many challenges as they navigate through deployments, relocations, and the costs associated with frequent, unexpected lifestyle changes. Just the financial burden of moving can be a huge setback for a military family. There may be a need for new child care services in short order, they must pay for the delivery of all their possessions, or they may have to rent vehicles. All of these costs add up quickly and could even occur multiple times in a single year. A 2019 report from the National Foundation for Credit Counseling found that almost 90 percent of service members and 84 percent of spouses or partners have worries about their personal finances. These worries are growing, with service members being more than twice as likely to not be able to pay all their bills on time compared to just 5 years ago.

A 2012 Department of Defense report found that jobs such as accountants, auditors, and dental assistants rank among the top occupations for military spouses, yet these licenses are not covered by the program that AB 186 created. [This bill] expands the amount of licenses that military spouses are likely to benefit from in order to increase the efficacy of this program and ease the burdens placed on military spouses and military families."

The *U.S. Department of Defense* writes in support, “Addressing licensure issues for the spouses of our military Service members has been a priority for the Department for several years. Military spouses are disproportionately affected by state-specific licensure requirements that can cause delays and gaps in employment, with over 34 percent of the working population requiring state licensure to practice in their professions and an annual cross-state relocation rate 10 times higher than their civilian counterparts. Consequently, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers.

State policies that enhance existing licensure provisions for military spouses relieve one of the many stressors of frequent military moves by enabling spouses to more quickly transfer their licenses in order to obtain employment in a new state. These policies facilitate greater career sustainability for military spouses, improving their families’ financial security and overall resilience. The need for such policies in California is underscored by the fact that California hosts over 62,000 active duty military spouses, the highest in the U.S. This number represents over 11 percent of military spouses, DoD-wide.”

ARGUMENTS IN OPPOSITION:

None on file

REGISTERED SUPPORT:

American Legion, Department of California
AMVETS, Department of California
California Defense Community Alliance
California State Commanders Veterans Council
Military Officers Association of America, California Council of Chapters
Military Services in California
San Diego Military Advisory Council (SDMAC)
U.S. Department of Defense
Vietnam Veterans of America, California State Council

REGISTERED OPPOSITION:

None on file

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