



Board of Behavioral Sciences

Memo

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To: Committee Members

Date: November 30, 2023

From: Rosanne Helms
Legislative Manager

Subject: Retired License Discussion

Background

The Board's retired license status was established in 2011. The retired license status was created because previously, a licensee who wished to "retire" only had two options: they could place their license in inactive status and would need to continue paying a biennial renewal fee of half the normal fee, or they could allow their license to become delinquent, and it would automatically be cancelled after three years.

Retiring a License

A licensee who chooses to retire their license may not engage in any activity that requires a license, including providing psychotherapy or providing supervision. Features of the Board's retired license are as follows:

- For a license to be eligible for retirement, it must be current and active, or in inactive status.
- The license must also not be suspended, revoked, restricted, or subject to any disciplinary action.
- The licensee must submit a retired license application and a one-time fee of \$40.
- Once retired, the license no longer needs to be renewed.

Restoring a Retired License

A retired license can only be reactivated for up to three years. To restore a retired license to active status, the retired licensee must submit an application, pay the renewal fee, complete up to 36 hours of continuing education, and submit fingerprints.

If a license has been retired for three years or more, it cannot be reactivated. They must reapply for licensure and meet all current licensing requirements, pass all exams required for licensure, and submit fingerprints.

Retired License Statistics

The Board currently has 2,943 retired licensees. (1,820 retired LMFTs, 989 retired LCSWs, 125 retired LEPs, and 9 retired LPCCs)

Occasionally, a retired licensee will change their mind and apply to restore their license to active status. This has happened 66 times since 2014, as follows:

2014	5
2015	7
2016	6
2017	7
2018	4
2019	3
2020	2
2021	4
2022	14 ¹
2023	2

Currently, 16% of the Board's licensee population is age 65 or over. Ten years from now, that number is expected to increase to 29%. (Note: this is based on the ages of the current licensed population and does not account for new licensees who will be applying in the coming years.)

Would Amendments Reduce Barriers to Reactivate?

Given the increase in the licensing population that is of or nearing retirement age, as well as the need for licensees and supervisors to assist with the state's mental health crisis, it may be worth exploring whether the Board could make any adjustments to its retired license program. Some possibilities include the following:

1. Instead of requiring one's license be current and active, or inactive to retire it, simply require it to be unrestricted (no discipline). This would remove the barrier of requiring someone who had let their license lapse from having to reactivate it (to either active or inactive status) in order to retire it.
2. Extending the amount of time that a retired license can be restored without reapplying for licensure and passing both exams, from 3 years to a longer time period, such as 6 or 8 years.
3. Allowing a retired licensee to practice in certain circumstances, such as in an exempt setting, or free of charge only.
4. Allowing a retired licensee to have a "supervision only" status.

¹ This uptick was because individuals with a cancelled license are required to bring themselves back to active in order to retire, and then went from retired to active to avoid taking an exam.

One thing to keep in mind in considering these is that the need to avoid potential unintended consequences, such as creating an incentive to retire a license instead of going on inactive status, when the licensee has no intention of retiring.

Board of Registered Nursing Retired License Model

[AB 633](#) (Chapter 449, Statutes of 2023) recently revamped the retired license process and requirements for registered nurses in California. Features of the Board of Registered Nursing's (BRN) new retired license program are as follows:

- The nurse must hold an unrestricted license on the date of retired license application.
- A retired licensee may provide free nursing services in any public health program created by federal, state, or local law or administered by a federal, state, county, or local government entity, under the supervision of a licensee.
- Retired licensees are exempt from continuing education requirements.
- The fee for a retired license must be established at no less than one-half of the regular renewal fee. (This is similar to this Board's inactive license fee.)
- A retired license may be reinstated to an active status one time only.

In order to do a one-time reinstatement of a retired license to active status, the retired licensee must complete the requirements to renew a license, including providing fingerprints, and paying any required renewal fees, and one of the following:

- If retired 8 years or less, have completed 30 hours of continuing education in the past 2 years.
- If retired more than 8 years, they must either hold a current valid active and clear registered nurse license in another U.S. state or territory, or Canada; or pass the current licensure exam.

Recommendation

Conduct an open discussion regarding the Board's retired license requirements, and direct staff to draft amendments as desired.

Attachments and References

Attachment A: Board Retired License Statutes

Reference 1: [Board Retired License Application](#)

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ATTACHMENT A BOARD RETIRED LICENSE STATUTES

LMFT

4984.41.

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a marriage and family therapist who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active marriage and family therapist license is required.

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

(d) The holder of a retired license may apply to restore to active status his or her license to practice marriage and family therapy if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:

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

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

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

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

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

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

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

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

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

- (3) Passes the examinations required for licensure.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

LEP

4989.45.

- (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed educational psychologist who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.
- (b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active educational psychologist license is required.
- (c) The holder of a retired license shall not be required to renew that license.
- (d) The holder of a retired license may apply to restore to active status his or her license to practice educational psychology if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:
 - (1) Has not committed an act or crime constituting grounds for denial of licensure.
 - (2) Pays the renewal fee fixed by this chapter.
 - (3) Completes the required continuing education as specified in Section 4989.34.
 - (4) Complies with the fingerprint submission requirements established by the board in regulation.
- (e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4989.34.
- (f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4989.34.
- (g) The holder of a retired license may apply to restore to active status his or her license to practice educational psychology if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:
 - (1) Has not committed an act or crime constituting grounds for denial of licensure.

- (2) Applies for licensure and pays the required fee.
- (3) Passes the examinations required for licensure.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

LCSW

4997.1.

- (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed clinical social worker who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.
- (b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active clinical social worker license is required.
- (c) The holder of a retired license shall not be required to renew that license.
- (d) The holder of a retired license may apply to restore to active status his or her license to practice clinical social work if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:
 - (1) Has not committed an act or crime constituting grounds for denial of licensure.
 - (2) Pays the required renewal fee.
 - (3) Completes the required continuing education as specified in Section 4996.22.
 - (4) Complies with the fingerprint submission requirements established by the board in regulation.
- (e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4996.22.
- (f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4996.22.
- (g) The holder of a retired license may apply to restore to active status his or her license to practice clinical social work if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:
 - (1) Has not committed an act or crime constituting grounds for denial of licensure.

- (2) Applies for licensure and pays the required fees.
- (3) Passes the examinations required for licensure.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

LPCC

4999.113.

- (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a professional clinical counselor who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.
- (b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active professional clinical counselor license is required.
- (c) The holder of a retired license shall not be required to renew that license.
- (d) The holder of a retired license may apply to restore to active status his or her license to practice professional clinical counseling if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:
 - (1) Has not committed an act or crime constituting grounds for denial of licensure.
 - (2) Pays the required renewal fee.
 - (3) Completes the required continuing education as specified in Section 4999.76.
 - (4) Complies with the fingerprint submission requirements established by the board in regulation.
- (e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4999.76.
- (f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4999.76.
- (g) The holder of a retired license may apply to restore to active status his or her license to practice professional clinical counseling if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:

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