



Board of Behavioral Sciences

Memo

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To: Committee Members

Date: March 12, 2024

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 regular 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 an 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. The retiree 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.)

Board of Registered Nursing Retired License Model

[AB 633](#) (Chapter 449, Statutes of 2023) recently revamped the retired license 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.

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.

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.

Other DCA Boards

Other DCA Boards offer retired licenses with varying features. Some examples are as follows:

Board of Psychology²

- License must be current and active or current and inactive, capable of being renewed, and not subject to discipline.
- One-time fee of \$75
- May be reinstated within 3 years without passing an exam and applying for a new license.
- The Board will not grant a license retired status more than twice.

Board of Occupational Therapy³

- License must be current and active or capable of being renewed, and not subject to discipline.
- One-time fee of \$25.
- Must meet additional coursework or exam requirements if retired for more than 5 years.
- A retired license status will be granted no more than twice.

Board of Optometry⁴

- License must be current and active.
- One-time fee of \$25.
- Must reapply for license and pass exams to reinstate after 3 years.

² Business and Professions Code §2988.5, California Code of Regulations Title 16, §1381.10.

³ Business and Professions Code §2570.17, California Code of Regulations Title 16, §4128.

⁴ Business and Professions Code §3151.

Department of Consumer Affairs

Legislation was run in 2016 to provide the remaining DCA entities that had not established a retired license in statute yet, with the statutory authority to establish a retired license via regulations. [BPC §464](#) applies only to boards that do not have other statutory authority to establish a retired license, and specifies the following criteria to qualify for a retired license:

- License must be active or inactive.
- The Board must establish a fee for the retired license.
- Specifies a process to restore a license to active status.

Previous Committee Discussion: Would Amendments Reduce Barriers to Reactivate?

At its January 2024 meeting, the Committee discussed amendments to incorporate some of the features of the Board of Registered Nursing's revamped retired license. Staff has drafted a proposal with the following features:

- Instead of requiring one's license be current and active, or inactive to retire it, the proposal instead requires a license to be current and active or capable of being renewed. This would remove the barrier of requiring someone who had let their license become delinquent from having to pay to reactivate it (to either active or inactive status) in order to then retire it.
- Limits a retired licensee from reactivating their license to one time only.
- Extends the time that a retired license can be reactivated without meeting additional examination or education (other than continuing education) requirements from three years to seven years. *(Note: the Committee should discuss whether seven years is appropriate, or if another amount of time should be considered.)*
- For licenses that have been retired for seven or more years, changes the requirements to reactivate. Instead of passing all required exams and reapplying for a license, it eliminates the requirement to apply for a new license (which would entail meeting all current education requirements). It also provides an option to avoid retaking the exams if the person holds a qualifying equivalent license in another jurisdiction of the U.S. *(Note: the Committee should discuss whether the proposed criteria are appropriate, or if other options should be considered.)*

One thing to keep in mind in considering the above is 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.

Recommendation

Conduct an open discussion regarding the proposed retired license amendments.

Attachments and References

Attachment A: Board Retired License Statutes *(Note: Amendments are currently drafted for LMFT only; once amendments are agreed upon, they will be drafted for the other license types.)*

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

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ATTACHMENT A
BOARD RETIRED LICENSE STATUTES

(Note: Amendments are currently drafted for LMFT only; once amendments are agreed upon, they will be drafted for the other license types.)

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, capable of being renewed,~~ 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~~ their license to practice marriage and family therapy one time only ~~if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:~~

(e) If the retired license was issued less than seven years prior to the application date, the applicant must meet all of the following requirements to restore their license to active status:

(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)~~ (3) Complies with the fingerprint submission requirements established by the board in regulation.

(4) Completes the required continuing education as specified in Section 4980.54 as follows:

(~~e~~A) An applicant requesting to restore ~~his or her~~ their license pursuant to subdivision (~~d~~)(e), whose retired 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~~B) An applicant requesting to restore ~~his or her~~ their license pursuant to subdivision (~~d~~)(e), whose retired 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.

~~(gh) 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: If the retired license was issued seven or more years prior to the application date, the applicant must meet all of the following requirements to restore their license to active status:~~

(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.~~ Pays the renewal fee required by this chapter.

~~(3) Passes the examinations required for licensure.~~

~~(43)~~ Complies with the fingerprint submission requirements established by the board in regulation.

~~(4) Does one of the following:~~

~~(A) Passes the current examinations required for licensure.~~

~~(B) Provides evidence of holding a current, active, and unrestricted license as a marriage and family therapist at the highest level for independent clinical practice in another jurisdiction of the United States, and completes a minimum of six hours of continuing education in the subject of California law and ethics.~~

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.