

Date of Hearing: January 9, 2018

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1659 (Low) – As Amended January 3, 2018

SUBJECT: Healing arts boards: inactive licenses.

SUMMARY: Prohibits the holder of a healing arts inactive license from representing that he or she has an active license in the healing arts; authorizes a healing arts board in the Department of Consumer Affairs (DCA) to establish a lower inactive license renewal fee; and makes other technical changes.

EXISTING LAW:

- 1) Establishes the inactive category of health professionals' licensure. An inactive license or certificate allows a person who has a license or certificate in the healing arts, but is not active in the practice of his or her profession, to maintain his or her license or certificate. (Business and Professions Code (BPC) § 700)
- 2) Requires a healing arts board to issue an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by that board. (BPC § 701)
- 3) Prohibits the holder of a healing arts inactive license or certificate from engaging in any activity for which an active license or certificate is required. (BPC § 702)
- 4) Requires the renewal fee for an active license or certificate in the healing arts to also apply to the renewal of an inactive license or certificate in the healing arts. (BPC § 703)

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

COMMENTS:

Purpose. This bill is sponsored by the author. Existing law generally requires healing arts boards to charge the same fee for active and inactive licenses, even in cases where a board may be able to afford a lower fee. This, however, is unfair, because inactive license holders do not receive the same benefits as active license holders. This bill remedies that issue by authorizing healing arts boards to charge a lower fee for inactive licenses where appropriate.

Background. In California, several professions require a license or certificate to legally practice, including the healing arts. Many of the professional licenses and certificates 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 DCA currently regulates the licensing requirements for 20 professions in the Division of Healing Arts.

Under current law, healing arts boards are authorized to issue inactive licenses. Inactive licenses allow a licensee to apply for an inactive license if he or she plans in discontinuing his or her practice temporarily. An inactive license does not allow the person to practice, but does allow

him or her to convert the inactive license into an active license after paying a fee and completing any outstanding continuing education requirements. Inactive license holders need not meet continuing education requirements while inactive, but must continue to pay the full renewal fee.

Inactive license holders must pay the same renewal fees as active license holders, and it may be unfair for them to have to pay the full active license fee if they do not receive the same benefits as an active license holder. Current law also limits the boards' ability to lower the fees for inactive license holders.

Further, the law prohibits any person from practicing, attempting to practice, advertising, or holding himself or herself out as practicing any of the healing arts, but does not currently prohibit inactive license holders from representing the ability to practice the healing arts only active license holders may practice. This bill clarifies that discrepancy.

REGISTERED SUPPORT:

None on file.

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Nicholas Scotti / B. & P. / (916) 319-3301