

Date of Hearing: September 13, 2023

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

AB 633 (Jim Patterson) – As Amended June 14, 2023

**NOTE:** This bill is being heard pursuant to Assembly Rule 77.2 for concurrence in Senate amendments only.

**SUBJECT:** Nursing: licensure: renewal fees: reduced fee.

**SUMMARY:** Creates a retired license category for a registered nurse (RN), administered by the Board of Registered Nursing (BRN), and permits an RN with a retired license to provide nursing services to the public free of charge in any public health program created by federal, state or local law or administered by a federal, state, county or local governmental entity if a licensed RN provides adequate supervision, as specified.

**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 regulation and licensure of various professions and vocations by boards, bureaus, and other entities within the DCA. (BPC §§ 100-144.5)
- 3) Regulates and licenses the practice of nursing under the Nursing Practice Act and establishes the BRN within the DCA to administer and enforce the act. (BPC §§ 2700-2838.4)
- 4) Requires RNs to renew their licenses biennially and requires the BRN to establish a renewal fee no greater than \$750. (BPC § 2815(d))
- 5) Regulates the practice of medicine through the licensure of physician and surgeons under the Medical Practice Act, which establishes the Medical Board of California (MBC) within the DCA to administer and enforce the act. (BPC §§ 2000-2529.6)
- 6) Requires physicians and surgeons to renew their licenses biennially and requires the MBC to establish a renewal fee no greater than \$863. (BPC § 2435)
- 7) Requires the MBC to waive the initial license and renewal fees for physician and surgeons who only provide voluntary, unpaid service. (BPC §§ 704(a), 2083, 2442)
- 8) Regulates the practice of dentistry through the licensure of dentists under the Dental Practice Act, which establishes the Dental Board of California (DBC) within the DCA to administer and enforce the act. (BPC §§ 1600-1976)
- 9) Requires dentists to renew their licenses biennially and requires the DBC to establish a renewal fee of no greater than \$800. (BPC § 1724(d))
- 10) Authorizes the DBC to reduce the renewal fee, but no less than one-half the normal renewal fee, for a licensee who has practiced dentistry for 20 years or more in this state, has reached the age of retirement under the federal Social Security Act, and customarily provides services

free of charge to any person, organization, or agency. If charges are made, they must be nominal and the aggregate amount of the nominal charges in any single calendar year must be lower than an amount that would render the licensee ineligible for full social security benefits. (BPC § 1716.1(a))

- 11) Regulates and licenses the practice of optometry under the Optometry Practice Act, which establishes the State Board of Optometry (SBO) within the DCA to administer and enforce the act. (BPC §§ 3000-3167)
- 12) Requires optometrists to renew their licenses biennially and requires the SBO to establish a renewal fee no greater than \$500. (BPC § 3152(d))
- 13) Requires the SBO to issue, upon payment of a reduced \$50 fee and a \$50 renewal fee biennially, a license with a retired volunteer service designation to an optometrist who meets specified requirements and certifies on the application that the sole purpose of the license with retired volunteer service designation is to provide voluntary, unpaid optometric services at health fairs, vision screenings, and public service eye programs. (BPC § 3151.1)

**THIS BILL:**

- 1) Requires the BRN, upon application and payment of the fee established under this bill, to issue a retired license to a registered nurse, if the licensee meets both of the following qualifications:
  - a) Holds an unrestricted license on the date of application.
  - b) If not already on record, furnishes to the Department of Justice, as directed by the BRN, fingerprints for the purpose of conducting a criminal history record check and for the purpose of undergoing a state and federal level criminal offender record information search conducted through the Department of Justice.
- 2) Authorizes an applicant to elect to retire upon renewal or upon submission of an application to the BRN.
- 3) Exempts a retired licensee from continuing education requirements.
- 4) Requires a retired licensee to utilize their professional title only with the unabbreviated word “retired” directly preceding or directly following the professional title.
- 5) Authorizes a retired licensee to provide nursing services to the public free of charge in any public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity, if a RN provides adequate medical and nursing supervision.
- 6) Limits the services to services that the retired licensee was permitted to perform under the licensee’s active license and that the licensee is competent to perform, as determined by the supervising RN.
- 7) Prohibits a retired licensee from engaging in any activity that requires an active registered nurse or advanced practice registered nurse license.

- 8) Authorizes the BRN to investigate potential violations or take action against a retired license for a violation of the Nursing Practice Act and specifies that a retired license is treated as a lapsed license.
- 9) Authorizes the BRN to reinstate a retired license to active status one time, if the retired licensee fulfills the requirements for renewal of a license, including furnishing fingerprints, paying renewal fees, and providing evidence of the following, as applicable:
  - a) For a retired licensee who has been retired for eight years or less, 30 hours of continuing education taken within the previous two-year period.
  - b) For a retired licensee who has been retired for more than eight years, either a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or passing the current examination for licensure.
- 10) Authorizes the BRN, by regulation, to establish a fee for a retired license in an amount not less than one-half of the regular renewal fee.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, the Board of Registered Nursing (BRN) estimates potential revenue reduction of up to \$3.3 million biennially (BRN Fund). The total decrease in revenue to the BRN is unquantifiable at this time and would depend on the number of eligible licensees who would apply for a retired license at the reduced renewal fee established by the BRN.

The Office of Information Services within the Department of Consumer Affairs reports IT costs of approximately \$13,600 to make updates to BreZE, which is anticipated to be absorbable through the redirection of existing resources.

#### **COMMENTS:**

**Purpose.** This bill is sponsored by the author. According to the author, “The need for nurses is severe throughout the state, even in volunteer capacities. During this ongoing public health crisis, this need has become critical. By reducing the fee for retired registered nurses to renew their professional license, the state will be able to continue utilizing the knowledge, skills, and experience of these nurses at a time when it has never been more needed.”

**Background.** In general, professional licensing programs serve to protect the public from trades or professions that may carry a higher risk of harm. To that end, the programs require an active license to practice, which demonstrates a minimum level of training, competency, and fitness to practice. Maintaining a license can be burdensome due to ongoing fees and continuing education requirements, so many who leave practice or retire will give up their license.

However, some licensees may still wish to maintain some level of license for purposes of volunteer work or in case they need to resume work. As a result, many licensing boards offer a retired or inactive category of licensure, though not all allow for volunteer work, including the BRN.

RNs have the option to change their license to inactive status, but they are not allowed to practice as an RN. While they are not required to complete the required 30 hours of continuing education every renewal, they continue to pay the full \$190 renewal fee. A licensee may choose this status

if they have no immediate need for an active license, but wish to avoid paying the delinquent renewal fee. If they wish to begin practicing again, they must submit proof of 30 hours of continuing education completed within the past two years, certify compliance with the fingerprint requirement, and report any license discipline or convictions.

Other non-practicing RNs may simply let their license lapse. If they wish to resume practicing in less than 8 years, they must submit a \$280 delinquent renewal fee and proof of 30 hours of continuing education completed within the prior two-year period. After 8 years, the former licensee would be required to have an active license in another state or retake the licensing examination.

This bill would instead allow licensees to retire but maintain a retired license for purposes of volunteer work. The goal of this bill is to extend the pool of available RNs in the event of shortages, which may help reduce inequities in RN shortage areas, although it is unclear to what extent. This bill may help improve access to care in areas where retirees are willing to continue to provide free services while maintaining a reduced-fee license.

**Prior Related Legislation.** AB 269 (Patterson) of 2021, which was held on suspense in the Assembly Appropriations Committee, was similar to this bill.

SB 1261 (Stone), Chapter 239, Statutes of 2016, required the Medical Board of California to waive the initial license and renewal fees for physician and surgeons who only provide voluntary, unpaid service.

SB 1215 (Emmerson), Chapter 359, Statutes of 2012, authorized the State Board of Optometry to issue a retired volunteer service designation for a limited fee to licensees who provide voluntary, unpaid optometric services at health fairs, vision screenings, and public service eye programs.

AB 2847 (Felando), Chapter 419, Statutes of 1992, authorized the Dental Board of California to reduce the renewal fee for licensed dentists in a manner identical to this bill.

#### **ARGUMENTS IN SUPPORT:**

The *Board of Registered Nursing* writes in support, “The Board wants to thank Assemblymember Patterson for bringing this bill forward and his office for working in partnership with us. The creation of a retired license status is something our licensees and stakeholders have expressed a strong desire for. The Board believes this new option would be of great benefit to both our licensees and their communities by allowing them to retire from the formal practice of nursing but still utilize their extensive skills and expertise in certain volunteer capacities.”

The *California Association for Health Services at Home (CAHSAH)* writes in support, “With the current nursing shortage, it is prudent to reduce the burden for nurses to continue practicing in our state and it is vital for ensuring that California has enough nurses to care for our increasing aging population. Ideally, CAHSAH would have liked a licensing fee reduction for all nurses who have practiced at least 10 years in California.”

The *California Nurses Association* writes in support, “The need for nurses is severe throughout the state, even in volunteer capacities. During this ongoing public health crisis, this need has become critical. [This bill] will allow the Board of Registered Nursing to offer a discounted fee for retired nurses looking to renew their licenses so that they can offer their services in a

volunteer capacity. By reducing the fee for retired registered nurses, the state will be able to continue utilizing the knowledge, skills, and experience of these nurses, when they have never been more needed. California has a great opportunity to align with many other states across the nation to take advantage of this wealth of knowledge being offered by these altruistic nurses who want to continue to serve our community."

The *County Health Executives Association of California (CHEAC)* writes in support, "Prior to the COVID-19 pandemic, many areas in California faced nursing shortages. The pandemic, however, exacerbated the stress and burnout among nurses and according to a University of California San Francisco study, a shortage of registered nurses in our state was estimated to continue in 2022. Local health departments relied on nurses, including our public health nurses, to support pandemic response efforts, including, but not limited to testing, vaccinations, and disease investigations. Many of these nurses were retired nurses volunteering their time. [This bill] would incentivize retired nurses to maintain their licensure and grow the pool of ready volunteers that can respond during public health emergencies."

The *Nursing Leadership Coalition of the Central San Joaquin Valley (NLC)* writes in support, "The NLC is a strong representation of the nursing voice in the Central Valley. We see firsthand every day the impact of this part of California being a medical desert. We have fewer physicians and nurses than other regions in the state and increased difficulty recruiting them to work in the valley. The ability to continue to utilize retired nurses in a volunteer status for supporting our overburdened work force and meeting community health needs would make a difference maker."

**ARGUMENTS IN OPPOSITION:**

None on file

**REGISTERED SUPPORT:**

Board of Registered Nursing  
CA Partnership for Health  
California Association for Health Services At Home  
California Nurses Association  
County Health Executives Association of California (CHEAC)  
Nursing Leadership Coalition Central San Juaquin (NLC)

**REGISTERED OPPOSITION:**

None on file

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