



SENATOR JOSH NEWMAN (SD-29)

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SB 1237 (Newman): Prof. License Renewal and Fee Waiver for Deployed Military Personnel

[As amended 3/30/22]

Sponsor: California Optometric Association

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SUMMARY

California law requires the licensing boards and bureaus of the Department of Consumer Affairs (DCA) to waive renewal requirements for licenses held by members of the United States Armed Forces or California National Guard during a period in which they are called to active duty. SB 1237 clarifies eligibility for the licensing waiver program to include all U.S. military personnel serving in an active duty capacity, regardless of their length of active duty or service component (regular active duty, reserve active duty, or National Guard active duty).

ISSUE

AB 1588 (Atkins, Chapter 742, Statutes of 2012) authorized DCA entities (boards, bureaus, committees, etc.,) to provide waivers from professional license renewal fees and continuing education requirements for active duty members of the United States Armed Forces.

A 2013 memo issued by DCA designed to assist programs in implementing AB 1588 noted:

Legislative notes indicate that Section 114.3 presupposes a service member's temporary change in lifestyle and circumstance whereby the fulfillment of renewal requirements like continuing education and the submittal of fees would be near impossible. The waiver applies equally to those reservists called up to active duty, or to career active duty military personnel that are ordered to a change in circumstance. Not all career military licensees that fall under the broader definition of 'active' military by working full time, then, would be eligible for the waiver. Only career active-duty licensees that have a temporary change in assignment to a remote location in order to perform a military task would qualify for the waiver. Conversely, those military personnel that have orders to serve in a permanent, career position at a base are not 'called to active duty' within the meaning of the exemption...The granting of military renewal waivers, however, should be reserved for what is commonly referred to as a 'TDY' or temporary duty assignment.

This narrow interpretation has caused confusion and resulted in unintended consequences whereby military personnel have been denied the opportunity to take advantage of waivers if their active duty is longer than a specified timeframe, even as they remain called to active duty.

SOLUTION

SB 1237 expands the eligibility criteria of the renewal fee waiver program established by AB 1588, to include service members ordered to active duty on a full-time assignment or a change of station outside of California.

By codifying a uniform definition of the term "called to active duty," SB 1237 is intended to open this program to all licenses or registrants serving in an active duty status, regardless of their length of active duty or military service component.

AB 1588 articulated the sound precept that licensees should not be permitted to engage in private practice governed by a relevant license during a period in which the maintenance of that license has been waived. This measure would honor that precept by requiring that, in order to engage in any activities for which they are licensed upon their return

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to California, licensees must satisfactorily meet all necessary non-fee renewal requirements established by their respective licensing board within six months from the conclusion of their active duty assignment.

SUPPORT

California Optometric Association (sponsor)
California State Board of Pharmacy
California State Board of Registered Nursing
Contractors State License Board
American Legion, Department of California
AMVETS, Department of California
California Association of County Veterans Service Officers
California State Commanders Veterans Council
County of Monterey
Vietnam Veterans of America, California State Council

OPPOSITION

(No opposition has been recorded.)