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SB-531 Board of Behavioral Sciences. (2015-2016)

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Senate Bill No. 531

CHAPTER 261

An act to add Sections 4990.31 and 4990.33 to the Business and Professions Code, relating to healing arts.

[Approved by Governor September 03, 2015. Filed with Secretary of State September 03, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 531, Bates. Board of Behavioral Sciences.

Existing law provides for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences within the Department of Consumer Affairs.

Existing law authorizes licensees whose license or registration has been revoked, suspended, or placed on probation to petition the Board of Behavioral Sciences for reinstatement or modification of the penalty, including modification or termination of probation.

This bill would authorize the Board of Behavioral Sciences to deny without a hearing a request to petition for termination of probation or modification of penalty for specified reasons including, but not limited to, when the petitioner has failed to comply with the terms and conditions of the disciplinary order.

Under existing law, the suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the specific board, does not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive that board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

This bill would provide that, subject to specific limitation periods imposed on the filing of accusations, the expiration, cancellation, forfeiture, or suspension of a license, or other authority to practice by operation of law or by order or decision of the Board of Behavioral Sciences or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, of any license within its authority, does not deprive the Board of Behavioral Sciences of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4990.31 is added to the Business and Professions Code, to read:

4990.31. The board may deny without a hearing a request to petition for termination of probation or modification of penalty for any of the following reasons:

- (a) The petitioner has failed to comply with the terms and conditions of the disciplinary order.
- (b) The board is conducting an investigation of the petitioner while he or she is on probation.
- (c) The petitioner has a subsequent arrest that is substantially related to the qualifications, functions, or duties of the licensee or registrant and this arrest occurred while on probation.
- (d) The petitioner's probation with the board is currently tolled.

SEC. 2. Section 4990.33 is added to the Business and Professions Code, to read:

4990.33. Notwithstanding any other law, except as provided in Section 4990.32, the expiration, cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant, of any license or registration within the authority of the board, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or registrant or to render a decision suspending or revoking the license or registration.