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AB-633 Nursing: licensure: retired licenses. (2023-2024)

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Assembly Bill No. 633

CHAPTER 449

An act to add Section 2811.1 to the Business and Professions Code, relating to healing arts.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 633, Jim Patterson. Nursing: licensure: retired licenses.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurses by the Board of Registered Nursing in the Department of Consumer Affairs. Existing law requires a licensee under the act to apply for renewal of their license every 2 years and allows an inactive license to be reactivated, as specified. Existing law makes a violation of the act a crime.

This bill would establish a retired license for registered nurses. The bill would require the board, upon application and payment of a fee established by the board, to issue a retired license to a registered nurse who meets prescribed qualifications.

This bill would authorize a retired licensee to provide limited nursing services, as specified, including requirements that nursing services be provided to the public, free of charge, in public health programs, that the retired licensee be supervised by active licensees, and that the services be limited to those services that the retired licensee was permitted to perform under the licensee's active license and that the licensee is competent to perform. The bill would prohibit a retired licensee from engaging in any activity that requires an active registered nurse or advanced practice registered nurse license. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

This bill would exempt a retired licensee from continuing education requirements. The bill would provide for board enforcement against a retired license for a violation of the act and, for this purpose, would deem a retired license a lapsed license. The bill would authorize a one-time reinstatement of a retired license to active status, as prescribed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 2811.1 is added to the Business and Professions Code, to read:

2811.1. (a) The board, upon application and payment of the fee established pursuant to subdivision (h), shall issue a retired license to a registered nurse, if the licensee meets both of the following qualifications:

(1) Holds an unrestricted license on the date of application.

(2) If not already on record, furnishes to the Department of Justice, as directed by the board, 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.

(b) An applicant may elect to retire upon renewal or upon submission of an application to the board as required.

(c) A retired licensee shall be exempt from continuing education requirements.

(d) A retired licensee shall utilize their professional title only with the unabbreviated word "retired" directly preceding or directly following the professional title.

(e) A retired licensee may 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 registered nurse or nurses provide adequate medical and nursing supervision. These services shall be limited 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 licensed registered nurse. A retired licensee shall not engage in any activity that requires an active registered nurse or advanced practice registered nurse license.

(f) The board may investigate potential violations or take action against a retired license for a violation of this chapter. For this purpose, a retired license is deemed a lapsed license as that term is used in Section 2764.

(g) The board may reinstate a retired license to active status one time only, 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:

(1) 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.

(2) 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.

(h) The board, by regulation, may establish a fee for a retired license in an amount not less than one-half of the regular renewal fee.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.