DISCUSSION AND CONSIDERATION AMENDING TITLE 16, CCR SECTIONS 4110, 4112, 4120, 4121, 4123, AND 4127.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
PROPOSED MODIFIED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

Specific Language

Proposed amendments are shown by ~~strikeout~~ for deleted text and underlined for new text.

a. Section 4110, Article 2, is amended to read as follows:

§ 4110. Application

(a) An application for a license~~, certificate,~~ or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, Rev. 8/2012), hereby incorporated by reference, and shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.
(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, "substantially equal" means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board of Certification in Occupational Therapy (NB~~COT~~), the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 30, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15 and 2570.16, Business and Professions Code; and Section 17520, Family Code.

b. Section 4112, Article 2, is amended to read as follows:

§ 4112. Review of Application

(a) Within thirty (30) days after receipt of an application for a license~~, certificate,~~ or limited permit, the board shall inform the applicant, in writing, whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.
(b) Within ten (10) days after receipt of an application for a license submitted by an applicant that is:
(1) Married to, or in a domestic partnership or other legal union with an active duty member of the military who is assigned to a duty station in California, and
(2) Holds a current, unrestricted, occupational therapist or occupational therapy assistant license, certificate or registration issued by another state, district, or te the United States,

ORIGINAL

the board shall inform the applicant, in writing, whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 115.5, 144, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16, Business and Professions Code and Section 15376, Government Code.

c. Section 4120, Article 3, is amended to read as follows:

§ 4120. Renewal of License ~~or Certificate~~ – Forms

(a) The term of a license ~~or certificate~~ shall be two years.
(1) Unless renewed, a license ~~or certificate~~ issued by the board shall expire at 12 midnight on the last day of the holder's birth month during an odd year if the licensee was born in an odd year or during an even year, if the licensee was born in an even year. The initial license fee shall be prorated from the month of issuance based on the holder's birth month and birth year.
(2) To renew an unexpired license ~~or certificate~~, the holder shall, before the time at which the license ~~or certificate~~ would otherwise expire, apply for renewal, pay the renewal fee, and certify that the licensee's ~~or certificate holder's~~ representations on the renewal form are true, correct, and contain no material omissions of fact, signed under penalty of perjury.
(3) The renewal application shall include a statement specifying whether the licensee ~~or certificate holder~~ was convicted of a crime or disciplined by another public agency during the preceding renewal period, and whether the continuing competency requirements have been met if renewing in an active status.
(4) For a license ~~or certificate~~ that expires on or after July 1, 2010, as a condition of renewal, an applicant for renewal not previously fingerprinted by the board, or for whom a record of the submission of fingerprints no longer exists, is required to furnish to the Department of Justice, as directed by the board, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice. Failure to submit a full set of fingerprints to the Department of Justice on or before the date required for renewal of a license ~~or certificate~~ is grounds for discipline by the board. It shall be certified on the renewal form whether the fingerprints have been submitted. This requirement is waived if the license ~~or certificate~~ is renewed in an inactive status, or the licensee or certificate holder is actively serving in the military outside the country.
(5) An inactive license ~~or certificate~~ may be renewed.
(6) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.
(b) A limited permit cannot be renewed.
(c) Licensees who possess a current and valid license and who are called to active duty as a member of the United States Armed Forces or the California National Guard do not have to:

(1) Pay the renewal fee set forth in section 4130; or
(2) Complete the continuing competency requirements set forth in section 4161. These requirements are waived only during the period in which the licensee is on active duty service.
(d) Licensees may not engage in the practice of occupational therapy during the period of active duty service and renewal waiver unless he or she wishes to practice, at which time the licensee shall request the license be placed on military active status. A licensee whose license is on military active status may practice occupational therapy but shall not engage in private practice.
(e) Licensees who are on active duty service must notify the board, in writing, within 60 days of his or her notice of discharge.
(f) In order to activate their license, the licensee must meet all necessary renewal requirements within six (6) months from the licensee's discharge from active duty service, including the requirements of sections 4130 and 4161.

Note: Authority cited: Sections 134, 152.6, 462, and 2570.20, Business and Professions Code. Reference: Sections 114.3, 134, 152.6, 462, 2570.5, 2570.9, 2570.10, and 2570.11, Business and Professions Code.

d. Section 4121, Article 3, is amended to read as follows:

§ 4121. Renewal of Expired License ~~or Certificate~~; Application; Fees; Effective Date of Renewal

(a) Except as otherwise provide in the Code, a license ~~or certificate~~ which has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license ~~or certificate~~ is renewed after its expiration, the licensee ~~or certificate holder~~, as a condition precedent to renewal, shall also pay a delinquency fee. Renewal under this section shall be effective on the date on which the application is ~~filed~~ received by the Board, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license ~~or certificate~~ shall continue in effect through the expiration date provided in section 4120, ~~above which next occurs after the effective date of renewal, when it~~ at which time, it shall expire if it is not renewed.
(b) This section shall not apply to licensees who are on active duty service as a member of the United States Armed Forces or the California National Guard.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 114.3, 163.5, 2570.9, and 2570.10, Business and Professions Code.

e. Section 4123, Article 3, is amended to read as follows:

§ 4123. Limited Permit

(a) To qualify for a limited permit, a person must have applied to the National Board for Certification in Occupational Therapy (NBCOT) to take the licensing examination within four (4) months of completing the education and fieldwork requirements for licensure or certification and request NBCOT provide their examination score report be forwarded to the Board.
(1) Upon receipt from NBCOT, the applicant must forward to the Board a copy of the Authorization to Test (ATT) letter.
(2) The applicant must provide documentation or other evidence to the Board, to prove that the applicant requested their examination score be sent from NBCOT to the Board, before a limited permit may be issued.
(3) A limited permit shall only be valid for three (3) months from the date of issuance by the Board, upon receipt of a failing result, or two (2) weeks following the expiration of the applicants' eligibility to test period, whichever occurs first.
(4) The limited permit holder must immediately notify the Board of the results of the examination.
(5) The limited permit holder must provide to the Board the name, address and telephone number of his or her employer and the name and license number of his or her supervising occupational therapist (OT). Any change of employer or supervising OT must be provided to the Board, in writing, within ~~10~~ five (5) days of the change.
(b) A limited permit shall not be denied to an applicant that has completed the fingerprint, education, and examination requirements, yet is unable to provide transcripts due to the college or university's inability to make the transcripts available to the student or the Board in a timely manner. A limited permit issued pursuant to this section shall only be valid for three (3) months from the date of issuance by the Board.
~~(b)~~ (c) The limited permit will be cancelled, and the fee forfeited, upon notification to the Board or the limited permit holder by the test administrator that the holder failed to pass the first examination.

Note: Authority cited: Sections 2570.5 and 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.9, 2570.16 and 2570.26, Business and Professions Code; and Sections 4100, 4102, 4110, 4111, 4112, 4114, 4120 and 4130, California Code of Regulations.

f. Section 4127, Article 3.5, is amended to read as follows:

§ 4127. Inactive Status

(The renumbering of Section 4127 (formerly Section 4122) is part of a pending rulemaking action-reference: Z-202-0814-22)

Upon written request, the board may grant inactive status to a license ~~or certificate~~ holder under the following conditions:
(a) At the time of application for inactive status, the holder's license ~~or certificate~~ shall be current and not suspended, revoked, or otherwise punitively restricted by the board.
(b) The holder of an inactive license ~~or certificate~~ shall not engage in any activity for which a license ~~or certificate~~ is required.
(c) An inactive license ~~or certificate~~ shall be renewed during the same time period in which an active license or certificate is renewed. The holder of an inactive license ~~or certificate~~ need not comply with any continuing education requirement for renewal of an active license.
(d) The renewal fee for a license ~~or certificate~~ in an active status shall apply also for a renewal of a license ~~or certificate~~ in an inactive status, unless a lesser renewal fee is specified by the board.
(e) In order for the holder of an inactive license ~~or certificate~~ to restore his or her license ~~or certificate~~ to an active status, he or she shall comply with all of the following:
(1) Pay<u>s</u> the renewal fee.
(2) ~~If the board requires completion of continuing education for renewal of an active license,~~ <u>Provides proof of completion of</u> ~~complete~~ continuing education equivalent to that required for a single renewal period of an active license<u>, pursuant to Section 4161</u> ~~or certificate, unless a different requirement is specified by the board on a case-by-case basis~~.

Note: Authority cited: Sections 462, 700, 701, and 2570.20, Business and Professions Code. Reference: Sections 462, 700, 701, and 2570.11, Business and Professions Code.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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MEMORANDUM

DATE	August 29, 2013
TO	Executive Officers, Executive Directors, Registrars & Bureau Chiefs
FROM	Denise Brown DENISE BROWN, Director Department of Consumer Affairs
SUBJECT	Implementation of AB 1588

Last year, Assembly Bill 1588 (Atkins, ch. 742, Stats. of 2012) added Section 114.3 to the Business and Professions Code ("Section 114.3"). Section 114.3 allows a licensee to receive a waiver from renewal requirements if the licensee is called to active military duty. Over the past few months, the Department has received a number of inquiries from some of its boards and bureaus ("programs"), other state agencies, and the Legislature regarding the implementation of Section 114.3. This memo attempts to address some general implementation issues and to provide background on the Department's current efforts.

THE LAW

Reinstatement v. Renewal Waiver

Prior to the enactment of Section 114.3, only Section 114 of the Business and Professions Code addressed licensees serving in the military ("service members"). Section 114 forgives delinquency penalties associated with the reinstatement of licenses that expired while a service member was *on* active duty, while Section 114.3 provides licensees *called to* active duty with a renewal option (emphasis added).

The law is silent as to whether licensees who wish to avail themselves of the Section 114.3 renewal waiver must do so at the time of renewal, or may do so retroactively upon discharge.

Note that those called-up service members who make a retroactive renewal waiver request upon discharge will be situated much like service members seeking reinstatement after a license expired while on active duty. The way in which programs choose to characterize these retroactive requests is particularly important. Renewal waivers under Section 114.3 only require that a service member meet certain renewal requirements. Reinstatements under Section 114, however, give programs the discretion to require a service member who did not practice the profession while on active duty to pass an

examination (Section 114(c)). Additionally, if a retroactive Section 114.3 renewal waiver is granted, no lapse should then appear in that service member's licensure.

Each program will have to determine how to approach this issue in light of public protection, given the types of requests each program receives and practical limitations on what may be expected of service members while on active duty.

Programs Subject to Section 114.3

The renewal waiver scheme set forth in Section 114.3 does not apply to any program that has a similar statutorily authorized renewal waiver process. Some examples of programs that already have similar military renewal laws include the Accountancy Board, the Medical Board, and the Board of Podiatric Medicine. Many programs already have regulations that provide waivers for particular renewal requirements in situations like a licensee's absence due to military service, residence in another country, or disability. These programs do not qualify for exemption from the applicability of Section 114.3, as the similar license renewal waiver process must be set forth in statute (Section 114.3(f)).

"Called to Active Duty"

Service members may only avail themselves of the Section 114.3 military renewal waiver if "called to active duty" (Section 114.3(a)). 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 ("CE") 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.

Note that similar language is not used in Section 114, which simply requires that a service member be on active duty to avail themselves of that section's reinstatement process. The granting of military renewal waivers, however, should be reserved for what is commonly referred to as a "TDY" or temporary duty assignment.

Waiver of Renewal Requirements

Section 114.3 requires that programs "...shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board" for those licensees called to active duty (Section 114.3(a)). This means that waiver of the renewal obligations at issue is permanent and is not paused, tolled, or accrued while the service member is away. These obligations are permanently forgiven. For temporary duty assignments that span an entire renewal period, no CE or renewal fees should be due.

This interpretation is supported by the Assembly Committee on Appropriations dated March 28, 2012 on this bill, which estimated that the revenue loss resulting from the fee

waivers made under Section 114.3 would be anywhere from $150,000 to $500,000 annually. This suggests that the Legislature's intention was that these waivers be permanent. Conversations with the author of this bill also support this interpretation.

Programs will have to determine how renewal requirements should be waived when a service member returns from a temporary duty assignment mid-renewal cycle. Some options include doing a straight proration of CE and renewal fees based on the number of months a service member is away. Another option is to do a modified proration whereby certain units are waived depending on where a service member's discharge date falls into specific cutoff periods. Programs that have specific course requirements for CE may wish to require the completion of those courses only.

The possible permutations of modified renewal responsibilities are too numerous to discuss at length for purposes of this memo. Each program is encouraged to meet with its respective counsel when determining how to approach the issues raised here, taking into account the unique nature of each program's renewal requirements.

Upon Discharge

A licensee who has renewed under a military waiver and who has been discharged from active duty and returned home may wish to exist in a military waiver status until the next time of renewal, but this means that the licensee may not practice on the public. Or, the licensee may wish to return to a normal, active license status as soon as possible in order to be able to work. Either way, before the licensee may return to an active license status, the service member must fulfill whatever modified requirements exist. Section 114.3(c) states that the service member shall have six months from discharge to fulfill renewal requirements (unless, of course, the licensee would have more time under normal renewal timelines). For service members who return from active duty with less than six months left until the next renewal cycle, this means that the six month grace period will necessarily extend into the beginning of the new renewal cycle.

For example, if a service member is discharged from active duty with three months left until the next renewal cycle, and the service member is responsible for a modified amount of CE (assume 3 units for this hypothetical) the service member will have six months from the date of discharge to fulfill the 3 unit obligation. If the service member does in fact take advantage of the entire six month grace period, this means that the period will extend three months into the new renewal cycle. Assuming all other conditions for renewal are met at the end of the grace period, the service member will then have an active, current license, will be able to practice on the California public, and will have 21 months left in that 24-month renewal cycle. During the latter renewal cycle, the service member will be responsible for the full amount of CE, fees, and other requirements in order to renew again.

Consider, on the other hand, a service member who has renewed in military waiver status and is discharged with, for example, 18 months left until the next renewal cycle. The service member will, by virtue of the regular renewal cycle timeline, have 18 months to

fulfill a modified CE obligation, which is longer than the six-month grace period provided by statute, provided the service member does not resume active practice in California.

Documentation of Being Called to Active Duty
Section 114.3(a)(3) requires that service members provide programs with written documentation substantiating the active duty service in order to avail themselves of the Section 114.3 renewal waiver. If your program has particular requirements for acceptable documentation (*e.g.* orders from a commanding officer versus a signed statement from the service member), these requirements must be specified in regulation.

Regulatory Changes
As mentioned above, programs' determinations on how to implement Section 114.3 may necessitate regulation. Programs are encouraged to meet with their respective counsel in making these determinations. Some factors to consider in determining if and what regulations are necessary are (1) what the program's historical practice has been in providing military renewal waivers under a general waiver regulation, if one exists; (2) program requirements for converting an inactive license into an active status, and whether similar requirements are appropriate for Section 114.3 modified renewal requirements; (3) any renewal requirements particular to that program; (4) effective ways to prevent a licensee's status from going into delinquency while the licensee is serving on active duty; and (5) whether particular forms are necessary to effectuate the program's goals.

OUTREACH & DATA COLLECTION

Outreach to your licensee populations and associations is vital to the successful implementation of Section 114.3.

Website Updates
The Department has placed information on this new law as well as other military legislation on its website. We recommend that you visit the website, as it will be updated. All programs are highly encouraged to provide a link to this webpage on the program's website: http://www.dca.ca.gov/about_dca/military.shtml

This should reduce program workload relating to the development and maintenance of this information (as it is likely that additional information will be necessary should further legislation impacting military personnel be passed). The Department is currently tracking and analyzing 12 pieces of legislation this session relating to the military.

Other Public Outlets - Email Lists/Social Media
In addition, other outreach efforts, such as updating email lists with the new information or mentioning the information on social media outlets, can significantly help. It is important for licensees to understand their options.

Data Collection
The Department has received a number of requests for data and statistics regarding the military, although this is currently unavailable. Pending legislation would require each

program to include a question on an application regarding whether an applicant previously served in the military (AB 1057, Medina).

Keeping track of the number of applications expedited (under AB 1904 – also passed in 2012), the number of waivers issued, etc. would be extremely helpful for the Department with responding to requests regarding the implementation of these new laws and will facilitate any necessary changes in the future. Please provide this information (the number of applications for expedite/waiver and the number of approvals) on a quarterly basis to the Division of Legislative & Policy Review (via Scott Allen – scott.allen@dca.ca.gov).

Military Email
The Department has also created a military email (military@dca.ca.gov) in order to assist in the implementation of the recent military legislation and provide support for each program in dealing with requests that may come to the Department rather than directly to the program. This email will be run through the Consumer Information Center (CIC). This will also assist the Department in tracking information related to military applicants and licensees.

TECHNICAL IMPLEMENTATION

The Department is in the process of transitioning to BreEZe, which precludes any additional changes to the legacy system. Programs not in Release 1 of BreEZe must work within the existing structure of the Consumer Affairs System ("CAS") for the time being. Therefore, the Department is modifying some of its previous suggestions from its December memo to its programs regarding the technical implementation of Section 114.3. The Department also suggests that each program work with their legal counsel to ensure a compliant process is developed.

Effective immediately,

- The Department is no longer suggesting that each program pursue the creation of a "Military Active" or "Military Inactive" status code if one does not already exist for your program at this time.

- Each program, until fully on BreEZe, should use a manual tracking process (Name, License #, Discharge Date, Expiration Date, etc.) for licensees who receive a renewal waiver similar to what is used for AB 1424 for tax debt suspensions.

- If a program has access to the status code "8" AND that status reflects a military designation –status code "8" should be used. If that is not possible, the program is advised to set the license status to "Active" or "Clear." This process should be sufficient in the short term for the majority of licensees seeking a renewal waiver.

- If a licensee has requested the "Military Active" status authorized by the bill and provided sufficient evidence/documentation, the program should keep that licensee as "Active."

- Each program is advised to set a secondary status code for "Military," if one does not currently exist. If you run into issues, contact OIS for assistance. This will also help the program with tracking these licensees. This process will be somewhat similar to what each program has implemented for AB 1424.

- Each program should also modify the automatic renewal flags, such as a renewal notice, from "Y" to "N" in order to avoid triggering other actions, such as switching the license to "Delinquent."

Should you have any further questions in regards to technical implementation requirements please contact the OIS Service Desk at (916) 574-8000 and request to speak with Gerry Lobo.

cc: Gerry Lobo

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(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, "substantially equal" means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board of Certification in Occupational Therapy ~~(NBCOT)~~, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

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(b) Within ten (10) days after receipt of an application for a license submitted by an applicant that is:
(1) Married to, or in a domestic partnership or other legal union with an active duty member of the military who is assigned to a duty station in California, and
(2) Holds a current, unrestricted, occupational therapist or occupational therapy assistant license, certificate or registration issued by another state, district, or territory of the United States, the board shall inform the applicant, in writing, whether the application is complet

and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

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(2) To renew an unexpired license ~~or certificate~~, the holder shall, before the time at which the license ~~or certificate~~ would otherwise expire, apply for renewal, pay the renewal fee, and certify that the licensee's ~~or certificate holder's~~ representations on the renewal form are true, correct, and contain no material omissions of fact, signed under penalty of perjury.
(3) The renewal application shall include a statement specifying whether the licensee ~~or certificate holder~~ was convicted of a crime or disciplined by another public agency during the preceding renewal period, and whether the continuing competency requirements have been met if renewing in an active status.
(4) For a license ~~or certificate~~ that expires on or after July 1, 2010, as a condition of renewal, an applicant for renewal not previously fingerprinted by the board, or for whom a record of the submission of fingerprints no longer exists, is required to furnish to the Department of Justice, as directed by the board, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice. Failure to submit a full set of fingerprints to the Department of Justice on or before the date required for renewal of a license ~~or certificate~~ is grounds for discipline by the board. It shall be certified on the renewal form whether the fingerprints have been submitted. This requirement is waived if the license ~~or certificate~~ is renewed in an inactive status, or the licensee or certificate holder is actively serving in the military outside the country.
(5) An inactive license ~~or certificate~~ may be renewed.
(6) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.
(b) A limited permit cannot be renewed.
~~(c) Licensees who possess a current and valid license and who are called to active duty as a member of the United States Armed Forces or the California National Guard do not have to:~~
~~(1) Pay the renewal fee set forth in section 4130, or~~
~~(2) Complete the continuing competency requirements set forth in section 4161.~~
~~These requirements are waived only during the period in which the licensee is on active duty service.~~

~~(d) Licensees may not engage in the practice of occupational therapy during the period of active duty service and renewal waiver unless he or she wishes to practice, at which time the licensee shall request the license be placed on military active status. A licensee whose license is on military active status may practice occupational therapy but shall not engage in private practice.~~

~~(e) Licensees who are on active duty service must notify the board, in writing, within 60 days of his or her notice of discharge.~~

~~(f) In order to activate their license, the licensee must meet all necessary renewal requirements within six (6) months from the licensee's discharge from active duty service, including the requirements of sections 4130 and 4161.~~

(c) Licensees who possess a current and valid license and who are called to active duty as a member of the United States Armed Forces or the California National Guard shall have all renewal requirements waived, upon submission of documentation verifying the licensee's active duty service. The renewal requirements are waived only for the period during which the licensee is on active duty service.

(d) Licensees may not engage in the practice of occupational therapy during the period or active duty service and renewal waiver. In order to provide occupational therapy services a licensee may request that his or her license be placed on "Military Active" status. A licensee whose license is on "Military Active" status shall not engage in private practice or render services to the public.

(e) A licensee who applies to reactive his or her license within six (6) months of their discharge from active duty service, shall be granted waivers as follows:

(1) A licensee who applies to reactive his or her license within two (2) years from the expiration date of their license shall be exempted from paying the renewal fee, delinquent fee, and meeting the continuing competence requirement; or

(2) A licensee who applies to reactivate his or her license more than two (2) years from the expiration date of their license shall be exempted from paying any accrued renewal or delinquent fees. However, such practitioners must complete the continuing competence requirement set forth in Section 4161 or otherwise request and qualify for the continuing competence exemption specified in Section 4163.

(f) Licensees who are on active duty service must notify the board, in writing, within 60 days of his or her notice of discharge in order to meet the renewal waiver requirement.

(g) Any licensee who fails to apply to reactive his or her license within six (6) months of discharge shall make the waivers specified in Sections 4120(e)(1) and (2) null and void. The license shall then be subject to the standard license renewal requirements as set forth in Sections 4130 and 4161.

Note: Authority cited: Sections 134, 152.6, 462, and 2570.20, Business and Professions Code. Reference: Sections 114.3, 134, 152.6, 462, 2570.5, 2570.9, 2570.10, and 2570.11, Business and Professions Code.

d. Section 4121, Article 3, is amended to read as follows:

§ 4121. Renewal of Expired License ~~or Certificate~~; Application; Fees; Effective Date of Renewal

(a) Except as otherwise provide in the Code, a license ~~or certificate~~ which has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license ~~or certificate~~ is renewed after its expiration, the licensee ~~or certificate holder~~, as a condition precedent to renewal, shall also pay a delinquency fee. Renewal under this section shall be effective on the date on which the application is ~~filed~~ received by the Board, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license ~~or certificate~~ shall continue in effect through the expiration date provided in section 4120, ~~above which next occurs after the effective date of renewal, when it~~ at which time, it shall expire if it is not renewed.
(b) This section shall not apply to licensees who are on active duty service as a member of the United States Armed Forces or the California National Guard.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 114.3, 163.5, 2570.9, and 2570.10, Business and Professions Code.

Section 4123, Article 3, is amended to read as follows:

§ 4123. Limited Permit

(a) To qualify for a limited permit, a person must have applied to the National Board for Certification in Occupational Therapy (NBCOT) to take the licensing examination within four (4) months of completing the education and fieldwork requirements for licensure or certification and request NBCOT provide their examination score report be forwarded to the Board.
(1) Upon receipt from NBCOT, the applicant must forward to the Board a copy of the Authorization to Test (ATT) letter.
(2) The applicant must provide documentation or other evidence to the Board, to prove that the applicant requested their examination score be sent from NBCOT to the Board, before a limited permit may be issued.
(3) A limited permit shall only be valid for three (3) months from the date of issuance by the Board, upon receipt of a failing result, or two (2) weeks following the expiration of the applicants' eligibility to test period, whichever occurs first.
(4) The limited permit holder must immediately notify the Board of the results of the examination.
(5) The limited permit holder must provide to the Board the name, address and telephone number of his or her employer and the name and license number of his or her supervising occupational therapist (OT). Any change of employer or supervising OT must be provided to the Board, in writing, within ~~10~~ five (5) days of the change.
(b) A limited permit shall not be denied to an applicant that has completed the fingerprint, education, and examination requirements, yet is unable to provide transcripts due to the

college or university's inability to make the transcripts available to the student or the Board in a timely manner. A limited permit issued pursuant to this section shall only be valid for three (3) months from the date of issuance by the Board.
~~(b)~~ (c) The limited permit will be cancelled, and the fee forfeited, upon notification to the Board or the limited permit holder by the test administrator that the holder failed to pass the first examination.

Note: Authority cited: Sections 2570.5 and 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.9, 2570.16 and 2570.26, Business and Professions Code; and Sections 4100, 4102, 4110, 4111, 4112, 4114, 4120 and 4130, California Code of Regulations.

e. Section 4127, Article 3.5, is amended to read as follows:

§ 4127. Inactive Status

(The renumbering of Section 4127 (formerly Section 4122) is part of a pending rulemaking action-reference: Z-202-0814-22)

Upon written request, the board may grant inactive status to a license ~~or certificate~~ holder under the following conditions:
(a) At the time of application for inactive status, the holder's license ~~or certificate~~ shall be current and not suspended, revoked, or otherwise punitively restricted by the board.
(b) The holder of an inactive license ~~or certificate~~ shall not engage in any activity for which a license ~~or certificate~~ is required.
(c) An inactive license ~~or certificate~~ shall be renewed during the same time period in which an active license or certificate is renewed. The holder of an inactive license ~~or certificate~~ need not comply with any continuing education requirement for renewal of an active license.
(d) The renewal fee for a license ~~or certificate~~ in an active status shall apply also for a renewal of a license ~~or certificate~~ in an inactive status, unless a lesser renewal fee is specified by the board.
(e) In order for the holder of an inactive license ~~or certificate~~ to restore his or her license ~~or certificate~~ to an active status, he or she shall comply with all of the following:
(1) Pays the renewal fee.
(2) ~~If the board requires completion of continuing education for renewal of an active license,~~ Provides proof of completion of ~~complete~~ continuing education equivalent to that required for a single renewal period of an active license, pursuant to Section 4161 ~~or certificate, unless a different requirement is specified by the board on a case-by-case basis~~.

Note: Authority cited: Sections 462, 700, 701, and 2570.20, Business and Professions Code. Reference: Sections 462, 700, 701, and 2570.11, Business and Professions Code.

114.3. Waiver of fees and requirements for "active duty" licensees

(a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

(Added by Stats. 2012, Ch. 742, Sec. 1. Effective January 1, 2013.)