



DATE	May 10, 2025
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Agenda Item 9.C. Discussion and Possible Action to Seek a Legislative Proposal to Amend Business and Professions Code Sections 2892.8 and 4545.4 Regarding Retired Licenses

SUMMARY

The purpose of this memo is to provide background and context for the Board members regarding possible legislative changes to support the proposed rulemaking for retired licensees.

BACKGROUND

BVNPT's sunset legislation (Assembly Bill (AB) 3255, Chapter 590 of the Statutes of 2024) require the Board to issue a retired license, upon request, to a Licensed Vocational Nurse (LVN) or a Psychiatric Technician (PT) with an unrestricted license. These statutes became effective January 1, 2025.

ANALYSIS

Staff and the Board's Regulatory Counsel examined Business and Practice Codes 2892.8 and 4545.4 and noted deficiencies in these statutes. Proposed changes are in bold underline and have been highlighted in yellow. These changes would give the Board greater authority to ensure that outstanding fees are paid prior to granting a retired license and establish other regulatory requirements as needed for public protection. In addition, additional language is added to the existing fingerprinting authority to comply with Public Law (Pub. L.) 92-544, codified at Title 34 United States Code Section 41101, which sets federal minimum standards for obtaining criminal history background checks for applicants.

RECOMMENDATIONS

1. Staff recommends that the Board review, discuss and possibly approve the following language.

2. Staff recommends that upon approval, the Executive Officer reach out to the appropriate Legislative staff to request inclusion in possible omnibus bills in this session.

BPC § 2892.8.

(a) The board, upon **application**, and payment of the **fees** established pursuant to subdivision (h) **and completion of any other requirements specified by the board in regulation**, shall issue a retired license to a licensee if the licensee holds an unrestricted **active or inactive** license on the date of application.

(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 shall not be entitled to practice vocational nursing.

(f) The board may investigate potential violations or take action against a retired license for a violation of this chapter.

(g) The board may reinstate a retired license to active status if the retired licensee fulfills the requirements for renewal of a license, including furnishing fingerprints **and related information to the California Department of Justice for the purpose of conducting a state and federal criminal history background check**, paying **any outstanding fines and** renewal fees, and providing evidence of the following, as applicable:

(1) For a retired licensee who has been retired for four years or fewer, the amount of continuing education required for the renewal of an active license.

(2) For a retired licensee who has been retired for more than four years, either a current valid active and clear registered nurse license, vocational nurse license, or an equivalent license in another state, a United States territory, or Canada, or passing the current examination for licensure.

(h) The fee to be paid upon filing the application for a retired license shall be fifty dollars (\$50) unless a higher fee, not to exceed one hundred dollars (\$100), is established by the board. **The applicant shall also pay any outstanding fees or fines owed to the Board as part of the application to be eligible for a retired license.**

BPC § 4545.4.

- (a) The board, upon **application**, and payment of the **fees** established pursuant to subdivision (h), **and completion of any other requirements specified by the board in regulation** shall issue a retired license to a licensee if the licensee holds an unrestricted **active or inactive** license on the date of application.
- (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 shall not be entitled to practice as a psychiatric technician.
- (f) The board may investigate potential violations or take action against a retired license for a violation of this chapter.
- (g) The board may reinstate a retired license to active status if the retired licensee fulfills the requirements for renewal of a license, including furnishing fingerprints **and related information to the California Department of Justice for the purpose of conducting a state and federal criminal history background check**, paying **any outstanding fines and** renewal fees, and providing evidence of the following, as applicable:
- (1) For a retired licensee who has been retired for four years or fewer, the amount of continuing education required for the renewal of an active license.
- (2) For a retired licensee who has been retired for more than four years, either a current valid active and clear registered nurse license **in another state, a United States territory, or Canada, or a** psychiatric technician license **in another state or a United States territory with the same scope of practice as provided in this chapter**, or an equivalent license in another state, a United States territory, or Canada, or passing the current examination for licensure.
- (h) The fee to be paid upon filing the application for a retired license shall be fifty dollars (\$50) unless a higher fee, not to exceed one hundred dollars (\$100), is established by the board. **The applicant shall also pay any outstanding fees or fines owed to the Board as part of the application to be eligible for a retired license.**