

AGENDA ITEM 11

Discussion and consideration of amending Title 16, to renumber CCR Section 4122 to 4127 and add new section 4128, Retired Status.

Attached for review is the following:

- BPC 2570.17 – enabling statute
- Proposed language to establish CCR 4128

BPC 2570.17

(a) The board shall issue, upon application and payment of a twenty-five dollar (\$25) fee, a retired license to an occupational therapist or an occupational therapy assistant who holds a license that is current and active, or capable of being renewed pursuant to Section 2570.10, and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active license is required. An occupational therapist holding a retired license shall be permitted to use the title "occupational therapist, retired" or "retired occupational therapist." An occupational therapy assistant holding a retired license shall be permitted to use the title "occupational therapy assistant, retired" or "retired occupational therapy assistant." The designation of retired shall not be abbreviated in any way.

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license, he or she shall comply with Section 2570.14.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE Title 16, Division 39, California Code of Regulations

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

Article 3.5 Inactive and Retired Status

4122 ~~4127~~. Inactive Status

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 the renewal fee.
 - (2) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for a single renewal period of an active license 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.

4128. Retired Status

- (a) A holder of an occupational therapy or occupational therapy assistant license that is current and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline, may apply for retired status, upon application and payment of a twenty-five dollar (\$25) fee.
- (b) The application shall be on a form prescribed by the board titled "Request for Retirement Status, Form XXXX, and contain a certification statement from the licensee whether he or she has been disciplined by another public agency or been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country.

(c) Submission of a complete application and payment of the fee shall result in the license being placed in retired status and the expiration date shall not change.

(d) The holder of a license in retired status shall not engage in any activity for which an active license is required. Failure to maintain comply with this section is unprofessional conduct and grounds for revocation or discipline.

(e) An occupational therapist holding a license in retired status shall be permitted to use the title "occupational therapist, retired" or "retired occupational therapist." An occupational therapy assistant holding a license in retired status shall be permitted to use the title "occupational therapy assistant, retired" or "retired occupational therapy assistant." The designation of retired shall not be abbreviated in any way. Failure to maintain compliance with this section is unprofessional conduct and grounds for revocation or discipline.

(f) The holder of a license in retired status shall not be required to renew that retired license.

(g) The holder of a license in retired status shall be allowed to restore the license to active status. In order to restore his or her license to active status, he or she must:

(1) Complete a form prescribed by the board titled "Request for Activation of License on Retired Status, Form XXXX, and pay the biennial renewal fee in effect at the time the request for activation is received; and.

(2) Satisfy continuing competency requirements as follows:

(A) Complete 24 PDUs, within two (2) years of the date the application for reactivation is received, if the license is in retired status for a period of five (5) years or less, or

(B) Meet one of the requirements set forth in BPC 2570.14 if the license is in retired status for a period of more than five (5) years. If qualifying under 2570.14(a), the holder of a retired license must complete 40 PDUs as specified in section 4161(g).

(h)The holder of a retired license shall not be subject to a delinquent fee as prescribed in Section 4121

(i) A licensee may be granted a license under retired status on no more than two separate occasions.

Authority cited: Sections 462, 700, 701, 702, 703, 704, 2570.10, and 2570.11, Business and Professions Code; Reference: Sections 2570.14, 2570.16 and 2570.17, Business and Professions Code.