

DATE: August 28, 2024

Behavioral Health Information Notice No: 24-032

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Update to the Servicemembers Civil Relief Act via Veterans Auto and Education Improvement Act of 2022 (H.R. 7939)

PURPOSE: To advise of the exemption of certain individuals from the California counselor registration or certification requirements following updates to the Servicemembers Civil Relief Act (SCRA).

REFERENCE: [H.R.7939 - Veterans Auto and Education Improvement Act of 2022](#)

BACKGROUND:

Health and Safety Code (HSC) section 11833 grants DHCS the sole authority in state government to determine the qualifications of personnel working within alcohol and other drug (AOD) programs licensed, certified, or funded under HSC Division 10.5, Part 2. HSC section 11833 requires individuals providing counseling services within AOD programs be registered with, or certified by, a certifying organization approved by DHCS.

On January 5, 2023, President Joseph Biden signed the Veterans Auto and Education Improvement Act of 2022 (H.R. 7939) into law. This law amends the SCRA by adding a new section called “Portability of Professional Licenses of Servicemembers and Their Spouses.” It allows a servicemember or their spouse to transfer their professional license and/or certification to a new jurisdiction when they relocate due to military orders. For a license and/or certification to be considered valid in a new jurisdiction, the holder of the license must satisfy the criteria set out in 50 USC 4025a.



POLICY:

H.R.7939 - Veterans Auto and Education Improvement Act of 2022 expands those who are exempt from the counselor registration or certification requirements.

The SCRA provision allows servicemembers and their spouses to use their professional licenses and certificates in certain circumstances when they must relocate due to military orders. For a license to be considered valid in a new location, a servicemember or their spouse must satisfy the following five criteria:

1. Have moved to a location outside the jurisdiction of the licensing authority that issued the covered license or certificate because of orders for military service.
2. Provide a copy of the military orders to the licensing authority in the new jurisdiction.
3. Have actively used the license or certificate during the two years immediately preceding the move.
4. Remain in good standing with:
 - a. the licensing authority that issued the covered license or certificate; and
 - b. every other licensing authority that issued a license or certificate valid for a similar scope of practice and in the discipline applied for in the new jurisdiction.
5. Submit to the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

If these five criteria are met, the servicemember or their spouse's covered license or certificate shall be considered valid at a similar scope of practice and in the discipline applied for in the new jurisdiction for the duration of military orders. If you have questions regarding this Information Notice, please contact the Counselor and Medication Assisted Treatment Section by email at DHCSOCOMPLAINT@dhcs.ca.gov.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division