

SB2392

Measure Title: RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.
Report Title: Professional and Vocational Licensing; Military Education, Training, and Service
Description: Requires professional and vocational licensing boards to accept military education, training, and service towards the qualifications of a license. Requires the boards to adopt rules.
Companion:
Package: None
Current Referral: CPN
Introducer(s): ESPERO

<u>Sort by Date</u>		Status Text
1/20/2012	S	Introduced.
1/23/2012	S	Passed First Reading.
1/23/2012	S	Referred to CPN.
1/31/2012	S	The committee(s) on CPN has scheduled a public hearing on 02-23-12 9:00AM in conference room 229.



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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KEALI'I S. LOPEZ
DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012

Thursday, February 23, 2012
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2392, RELATING TO PROFESSIONAL AND
VOCATIONAL LICENSING.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division ("Division"), Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify in strong opposition to Senate Bill No. 2392, Relating to Professional and Vocational Licensing. The House companion bill, House Bill No. 2258, passed with amendments, by replacing the word "shall" with "may" and having a delayed effective date inserted to encourage discussions between the proponent of the bill and the Department.

The purpose of Senate Bill No. 2392 is to require professional and vocational licensing authorities to accept military education, training, and service towards the

qualification of a license. It also requires the licensing authorities to adopt rules to implement the new section.

The Division currently oversees the regulation of forty-seven (47) boards, commissions, and programs. Every licensing authority has its own statutes and rules, and **specific** requirements for licensure. To impose a requirement that all licensing authorities accept military education, training, or service is overly broad and ambiguous, and does not appear to offer the licensing authorities any discretion. The bill also requires the licensing authorities to accept military education, training, or service, without regard to whether the education, training, or service has any relevance to the specific licensing area. This is clearly unacceptable.

Some of the licensing authorities have the ability to consider various types of experience and training to qualify for licensure, and may already accept education and experience obtained during military service. Therefore, we question the need for this measure. Furthermore, it is unreasonable to mandate that the licensing authorities which require applicants to acquire specific academic degrees from accredited institutions will have to accept "military education, training, or service." To require the licensing authorities to accept such an undefined qualification renders their education requirement meaningless.

With so many diverse professions and vocations under our jurisdiction, we feel imposing this requirement on all of our licensing authorities is clearly unwarranted. It is our duty to set the standards for entry into all of the professions and vocations that we regulate and protect the interests of consumers throughout the State. Requiring all

licensing authorities to accept a broad and ambiguous qualification such as "military education, training, or service" directly contradicts the Division's mission of **protecting the public**.

If this measure passes, Senate Bill No. 2392 would impose an unreasonable and irresponsible mandate on the Division. Requiring us to accept such a blanket proposal across all licensed professions and vocations does not conform to our duty of protecting the citizens of our State.

Thank you for the opportunity to testify in opposition to Senate Bill No. 2392. However, as was indicated to the proponent of the bill, the Division would be open to having a concurrent resolution introduced, one which would encourage the individual boards to review their requirements and to consider how the licensing process can be eased for military personnel and their spouses.

**Testimony to the Senate Committee on Commerce and
Consumer Protection**

Thursday, February 23, 2012

9:00 AM

Conference Room 229

**RE: SENATE BILL NO. 2392, RELATING TO PROFESSIONAL AND
VOCATIONAL LICENSING**

Chair Baker, Vice Chair Taniguchi, and members of the committee.

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's strong support of Senate Bill No. 2392, Relating to Professional and Vocational Licensing.

The measure proposes to require professional and vocational licensing boards to accept military education, training, service towards the qualifications of a license, and requires boards to adopt rules.

The Chamber's Military Affairs Council has served as the state liaison in matters relating to the military since 1985.

The employment of US veterans is one of the top issues cited by President Obama and the US Secretaries of Defense and Veterans Affairs, The Honorable Leon Panetta and the Honorable Eric Shinseki, respectively.

The measure proposes to give due recognition for qualifications earned by military members during their active service. This will facilitate their employment upon separation from active service and enable filling critical job vacancies with highly qualified veterans.

A large percentage of Hawaii's 101,500 veterans are highly qualified to fill these critical jobs in government and the private sector. This is especially true

today with our young veterans as the military downsizes to meet budget constraints.

In light of the above, we recommend the proposal be approved.

Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce & Consumer Protection

February 23, 2012, 9:00 a.m.

by

Virginia S. Hinshaw, Chancellor

and

Mary G. Boland, DrPH, RN, FAAN

Dean and Professor

School of Nursing and Dental Hygiene

University of Hawai'i at Mānoa

SB 2392 RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING

Chair Baker, Vice Chair Taniguchi, and members of the Senate Committee on Commerce and Consumer Protection.

Thank you for this opportunity to provide testimony in opposition of this bill, SB 2392, to the extent that it would impact the nursing profession. This measure amends Chapter 436B which is implemented by the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs ("PVL/DCCA"). It authorizes professional and vocational licensing boards under the auspices of the PVL/DCCA to accept military education, training, and service toward the qualifications for a license, including a nursing license. It also allows the boards to adopt rules.

The Legislature in its wisdom required that nursing programs in Hawai'i meet the standards established by law and by the Hawai'i State Board of Nursing¹ to ensure the safety of Hawai'i consumers is not compromised. These standards are based on national accreditation and certification standards.

Accreditation is extremely important when considering a school, regardless of the degree program or field of study. If a school is not accredited, any credentials earned may not be considered to be of the same quality as if they were earned at an accredited university. The main national agencies for nursing education accreditation are the National League for Nursing Accrediting Commission (NLNAC) and the Commission on Collegiate Nursing Education (CCNE). The list of national certifying bodies is extensive.

The two primary reasons to attend an accredited nursing program is to ensure the quality and integrity of the education program. An accredited program has had its quality guaranteed by standards set into place by the Department of Education ("DOE"). Students enrolling in nursing programs also know that they are earning a high-quality

¹ Chapter 457, HRS, and Title 16, Chapter 89, Hawaii Administrative Rules

degree from a program that will allow them to continue their education, something not guaranteed with unaccredited programs.

In *The Future of Nursing: Leading Change, Advancing Health* (2011), the Institute of Medicine's second key message notes that, "Nurses should achieve higher levels of education and training through an improved education system that promotes seamless academic progression." Future changes in the U.S. health care system and practice environments will require that nursing education at all levels provide a greater understanding of and experience in care management and quality improvement methods. Nursing education should serve as a platform for continued lifelong learning and include opportunities for seamless transition to higher degree programs. Accrediting, licensing, and certifying organizations must continue to mandate demonstrated mastery of core skills and competencies to complement the completion of degree programs and national nurse licensure/certification examinations.

UH Mānoa Nursing recognizes the value and quality of military education, training, and service. It is essential for the military to work hand in hand with the national accrediting bodies and the DOE to establish equivalencies so that individuals may receive recognition for appropriate training. These efforts will be beneficial to the individuals and support lifelong learning in nursing, which is becoming increasingly important with the changes in the health care system.

Currently, SB 2392 places the onus on the PVL/DCCA to decide whether the military education, training and experience presented by applicants meet the requirements of national accrediting and certifying organizations. It has neither the resources nor the expertise to do this.

UH Mānoa Nursing urges that educational equivalencies be further explored by the military before pursuing this bill. Therefore, we recommend that the Committee not move forward on SB 2392 at this time.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.



Hawaii Chapter, MOAA
P.O. Box 1185
Kailua, Hawaii 96734-1185

**Testimony of
Thomas Smyth**

**Military Officers Association of America, Hawaii Chapter
Before the Committee on Commerce and Consumer Protection**

Thursday, February 23, 2012, 9:00 am, Room 229

SB 2392 Relating to Professional and Vocational Licensing

Chair Baker, Vice Chair Taniguchi and Committee Members

Our chapter of 400 retired and currently serving officers of the Uniformed Services strongly supports SB 2392 which requires vocational and professional licensing agencies to accept military education, training and service toward their licensing qualifications.

With thousands of military women and men leaving the service after many years of combat and combat support service, it is particularly important that they have the opportunity to find employment soon after they return to their home state.

This issue has become a major national effort led by the First Lady and the Vice President's wife. Their effort, part of the "Joining Forces Initiative" is strongly endorsed by federal agencies, including DOD, which has testified here on related measures.

I just received an email from my national organization announcing that the American Bar Association's policy making body has just voted unanimously to reduce licensing barriers for military spouses in the legal profession. This includes "admission without examination" for qualified military spouse lawyers and to ensure that bar applications, fees and admission procedures are not unduly burdensome.

It would seem that if such structured licensing processes as a bar examination can be modified or expedited; agencies in Hawaii should be

able to do the same. It is not hard to accept that a Navy Construction Battalion (SEABEE) Chief Petty Officer, being discharged after many years of building facilities around the world and in the U.S., should not now enter a 4000-hour construction apprenticeship program in order to become a journeyman.

There are many other examples of situations where a military person or the spouse has become fully qualified, but upon coming to Hawaii, must essentially start over. It costs them lost wages and lost opportunities.

Thank you for the opportunity to provide testimony.



OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MILITARY COMMUNITY AND FAMILY POLICY)

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DoD-State Liaison Office

Senator Rosalyn H. Baker, Committee on Commerce and Consumer Protection
February 22, 2012

Testimony of
Laurie Crehan, Ed.D.
Quality of Life Regional Liaison
Office of the Assistant Secretary of Defense, Military Community & Family Policy
DoD-State Liaison Office

**SB 2392 Relating to Professional and Vocational Licensing;
Military Training, Education, and Service**

Testimony

Chair Baker and members of the Senate Committee on Commerce and Consumer Protection, on behalf of the Deputy Assistant Secretary of Defense, I would like to thank you for the opportunity to submit testimony on SB 2392, a bill relating Professional and Vocational Licensing; Military Training, Education, and Service. My name is Dr. Laurie Crehan. I am with the Department of Defense State Liaison Office which operates under the direction of the Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary of Defense for Military Community and Family Policy.

Separating Service members are frequently delayed getting post-Service employment even though they have applicable military education, training, and experience which can qualify them for licenses. Transitioning Service members leave the military with documented training and experience that can prepare them for civilian employment; however, this documentation is not always used by state entities to qualify them for licenses required for their occupation. Reported unemployment rates of veterans that are higher than national averages have brought attention to finding ways to support the transition of our military into civilian jobs.

As of June 2011, one million Veterans were unemployed and the jobless rate for post-9/11 veterans was 13.3 %, with young male Veterans (ages 18 to 24) experiencing an unemployment rate of 21.9%. This number appears to be rising as so many of our troops are returning home from combat. In 2010, according to Defense Manpower Data Center, 2,239 Service members separated or retired back to Hawaii. Many will continue to choose Hawaii when transitioning into civilian careers. This bill will primarily assist those Service members who are from Hawaii and who are coming back to the state after leaving the military.

It has never been the Department of Defense's intent that the licensing boards indiscriminately accept any military education, training, or service, without regard to whether the education, training, or service has any relevance to the specific licensing area. Nor are we asking for acceptance of the education, training and experience unless it is substantially equivalent to the requirements mandated by the state for obtaining a license.

Improving the Lives of Military Members and their Families

Even in cases where the licensing authority determines that the Service member's education, training, and experience only fulfills part of the licensing criteria of the state, the Service member will still save time and expense and be able to enter the workforce more quickly. We are asking legislative leaders like you to establish policies that ensure separating Service members do not have to repeat requirements completed during their military career to obtain an occupational license.

We understand the DCCA believes we are asking for consideration of military education, training, and service that would compromise the standards of the licensing authorities and the safety of the public. The DCCA and others also consider the language of the current bill as a mandate to accept the Service member's education, training, and experience regardless of its relevancy to or fulfillment of licensing requirements of the Hawaii licensing boards. What we are actually asking is for each licensing authority to develop and adopt rules that will require the review of military education, training, and service to determine if they satisfy the licensing authorities' requirements in order to expedite the Service member in obtaining a license. We are asking that they evaluate a Service member's application in the same manner these boards would seek to evaluate the education, training and experience of an applicant from another state, taking into consideration that the Service member received his or her education, training, and experience in the Armed Forces.

We believed that the current wording "upon presentation of satisfactory evidence by an applicant" implied that the applicant would provide evidence that demonstrated how they fulfilled Hawaii's requirements for licensure. We have listened to the concerns of the DCCA and have tried to address these concerns by proposing amendments to the language of the current bill, if necessary, to make the intent and parameters of the policy clearer.

The State of Washington adopted language that is inserted in each board's statute saying: *An applicant with military training or experience satisfies the training or experience requirements of this [board] unless the secretary determines that the military training or experience is not substantially equivalent to the standards of the state.*

Another option might be to change the current language to something such as: Notwithstanding any law to the contrary, every licensing authority subject to this chapter, upon presentation of satisfactory evidence by an applicant, *shall consider* the education, training, or service completed by an individual . . . as *part of the evaluation process* of qualification requirements to receive the license.

We also feel strongly that the amendment made in the House PBM Committee on the companion bill HB 2258 saying the boards *may* make this kind of change instead of **shall** would not be adequate to see that meaningful change occurs. The DCCA has already stated their reluctance, so offering them a voluntary opportunity would probably not bring about the desired results. We believe that requiring the boards to review and consider the Service member's education, training, and education, while allowing the boards discretion in how to fulfill the desired objectives of this legislation, will ensure necessary accommodations will be made. We would ask that this Committee not amend the bill in this fashion.

We hope amending the language in some way as proposed above will allay fears of the DCCA and others that they will have to compromise any state standards of licensing. In addition, DCCA concerns regarding implementation deadlines could be addressed by adjusting the implementation date.

The Department of Defense recognizes that if we are going to ask credentialing bodies to evaluate military training and experience, we have to make it easier for them to do so, minimizing any fiscal impact. In this regard, we are evaluating how we make that information more meaningful and available to the licensing authorities.

- First, there are currently different Service transcripts that record the training, experience, and education received by Service members. We are working with the Services and with credentialing organizations to see how we can better standardize the information and make it more understandable to non-military audiences.
- Second, since some credentials require an individual to have completed an approved or accredited training program, we are determining which credentials related to military occupations require training program approval or accreditation and identify methods of facilitating this.
- Finally, a key aspect of providing accrediting and credentialing agencies the ability to assess military training is making the training programs of instruction (POIs) available to them for review. Currently, the Services each have their own policies and procedures related to development and maintenance of POIs and there is no centralized location for agencies to access them. Ensuring POIs have some degree of standardization and are more easily accessible to accrediting and credentialing agencies and educational institutions will make it easier for them to assess whether the military training courses meet their criteria.

As part of the initiatives listed above, the Military Services are helping Service members achieve national certifications as part of their education and training. This obviously helps licensing boards translate the value of what they have learned. This bill provides complete discretion to each board as to **how** they are going to accomplish that end.

President Obama has made separating Service member and veteran licensure a top priority of his administration. Last year, four states enacted new laws to help grant our veterans credit towards licensing and/or academic credit. So far for the 2012 session, there are 27 bills in 15 more states resembling the one before you today. We hope that we can include Hawaii in the list of states that have chosen to provide meaningful and substantive solutions to the unemployment issues of our Service members. I am available to answer any questions you might have.

Dr. Laurie Crehan
DoD State Liaison Office
858-361-1731

Written Testimony Presented Before the
Senate Committee on Commerce & Consumer Protection

February 23, 2012, 9:00 a.m.

by

Gail P. Tiwanak, RN, MBA
Executive Director
Hawaii State Center for Nursing

SB 2392 RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING

Chair Baker, Vice Chair Taniguchi, and members of the House Committee on Commerce and Consumer Protection.

Thank you for this opportunity to provide testimony in opposition of this bill, SB 2392, to the extent that it would impact the nursing profession. This measure amends Chapter 436B which is implemented by the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs ("PVL/DCCA"). It authorizes professional and vocational licensing boards under the auspices of the PVL/DCCA to accept military education, training, and service toward the qualifications for a license, including a nursing license. It also allows the boards to adopt rules.

The Legislature in its wisdom required that nursing programs in Hawaii meet the standards established by law and by the Hawaii State Board of Nursing¹ to ensure the safety of Hawaii consumers is not compromised. These standards are based on national accreditation and certification standards.

Accreditation is extremely important when considering a school, regardless of the degree program or field of study. If a school is not accredited, any credentials earned may not be considered to be of the same quality as if they were earned at an accredited university. The main agencies for accreditation are the National League for Nursing Accrediting Commission (NLNAC) and the Commission on Collegiate Nursing Education (CCNE). The list of national certifying bodies is extensive.

The two primary reasons to attend an accredited nursing program are quality and insurance. An accredited program has had its quality guaranteed by standards set into place by the Department of Education ("DOE"). Students enrolling in nursing programs also know that they are earning a high-quality degree from a program that will allow them to continue their education, something not guaranteed with unaccredited programs.

¹ Chapter 457, HRS, and Title 16, Chapter 89, Hawaii Administrative Rules

In *The Future of Nursing: Leading Change, Advancing Health* (2011) the Institute of Medicine key message #2 was, "Nurses should achieve higher levels of education and training through an improved education system that promotes seamless academic progression."

Future changes in the U.S. health care system and practice environments will require that nursing education at all levels to provide a greater understanding of and experience in care management and quality improvement methods. Nursing education should serve as a platform for continued lifelong learning and include opportunities for seamless transition to higher degree programs. Accrediting, licensing, and certifying organizations must continue to mandate demonstrated mastery of core skills and competencies to complement the completion of degree programs and national nurse licensure/certification examinations.

SB 2392 places the onus on the PVL/DCCA to decide whether the military education, training and experience presented by applicants meet the requirements of national accrediting and certifying organizations. It has neither the resources nor the expertise to do this. The onus should be placed on the military to work with the DOE, national accrediting and certifying organizations (including, but not limited to, the NLNAC and the CCNE) to establish equivalency. If equivalency is established, certifications of equivalency could then be reviewed by the PVL/DCCA.

Therefore, the Hawaii State Center for Nursing feels that this measure is premature and strongly recommends that SB 2392 not pass out of your Committees.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.

Niwao & Roberts, CPAs, a Professional Corporation
2145 Wells Street, Suite 402
Wailuku, Hawaii 96793

Before the Senate Committee on Commerce and Consumer Protection

Thursday, February 23, 2012 at 9:00 a.m.

Conference Room 229

Re: Opposition to SB2392

Chair Rosalyn H. Baker, Vice Chair Brian T. Taniguchi, and Committee Members:

I am a licensed CPA and attorney in the State of Hawaii, with over 33 years of public accounting experience. I am president of Niwao & Roberts, CPAs, a P.C., a CPA firm on Maui. I am also a state director of the Hawaii Association of Public Accountants (HAPA) and a legislative committee co-chairperson of HAPA.

Our firm opposes SB2392 as it applies to the licenses pertaining to certified public accountants. The educational and experience requirements for certified public accountants already specify college education that must be met by all candidates, for the protection of Hawaii's consumers. In addition, the Hawaii statutes already provide that "two years of public accounting experience or its equivalent in private industry or government" can be used to meet the licensing requirements for CPAs. I have seen applications of candidates with military working experience accepted by the Hawaii Board of Public Accountancy in the past, under the current Board of Public Accountancy rules. Therefore, I do not believe additional rules by the Board of Public Accountancy are necessary to accommodate those in the military.

SB2392 is overly broad as it applies to all licenses granted by the State of Hawaii that have different requirements. In addition, any changes in the rules must be weighed against Hawaii consumer protection interests.

Although our firm appreciates the military and those who have served in the military, our firm does not support the provisions of SB2392.

Thank you for this opportunity to testify.

Respectfully submitted,

Marilyn M. Niwao

Marilyn M. Niwao, J.D., CPA
President, Niwao & Roberts, CPAs, a Professional Corporation

Testimony for CPN 2/23/2012 9:00:00 AM SB2392

Conference room: 229

Testifier position: Oppose

Testifier will be present: No

Submitted by: Kathy Yokouchi

Organization: Individual

E-mail: nuyolks@gmail.com

Submitted on: 2/20/2012

Comments:

Measure is premature and conflicts with barrier breaking nursing legislation passed in recent years. It may apply to other professions but not nursing in light of IOM recommendations and Affordable Care.