

SB2395

Measure Title: RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.
Report Title: Licensing; Military Spouses
Description: Requires licensing boards to: (1) allow applicants to demonstrate competency in lieu of work experience required; and (2) establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses.
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/PGM.
1/25/2012	S	Re-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

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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. 2395, 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 opposition to Senate Bill No. 2395, Relating to Professional and Vocational Licensing. The House companion bill, House Bill No. 2257, 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. 2395 is to require professional and vocational licensing authorities to allow applicants to demonstrate competency in lieu of work

experience required, and to establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses.

The Division currently oversees the regulation of forty-seven (47) boards, commissions and programs. Each licensing area has **specific** requirements for licensure and its own statutes and rules.

Senate Bill No. 2395 adds two new sections to PVLD's Model Act, Chapter 436B, Hawaii Revised Statutes ("HRS"). The first section provides for licensure by endorsement by allowing applicants to demonstrate competency in a specific occupation or profession in lieu of any experience requirement. We question the need for this provision, as each licensing authority has the ability to determine its specific requirements, including accepting licensure by endorsement. To insert this language in Chapter 436B, HRS, implies that all licensing authorities should promulgate rules to implement this section. This may be problematic, as each licensing authority has requirements unique to its own profession and vocation, and mandating that it waive its specific experience requirement and consider "competency" may not be appropriate for every licensing authority. Therefore, we cannot support this amendment.

The second proposed section requires every licensing authority to establish rules and procedures to expedite a license, certificate, or permit to an out-of-state licensee whose spouse is a member of the armed forces, and who left employment to accompany the spouse to Hawaii. The procedure must include issuing the individual a license, certificate, or permit if the other state's license requirement is at least equivalent

to our own, or issue the individual a temporary permit until our license requirements are met. We are in strong opposition to this amendment.

While we fully support all military service members and their families, mandating that all licensing authorities establish special procedures for military spouses is unwarranted. Generally, determining the equivalency of license requirements of other states is not a simple process, and the licensing authority often does not have the time or resources to research the matter and evaluate whether a particular course or type of training is equivalent to another. It would take an inordinate amount of time to make this kind of determination, and may ultimately delay the processing time rather than expedite it.

Furthermore, we have serious concerns about requiring the licensing authority to issue a temporary permit until the license requirements are met. This process would allow an individual to offer unsupervised services to the public without the required education, training, or experience, and is **contrary** to the Division's mission of **protecting the public**. Also, expediting the license process for this particular class of person over all other applicants is not consistent with our policy of treating all applicants fairly and equally.

With so many different professions and vocations under our jurisdictions, these across-the-board mandates are not appropriate. Currently, each licensing authority establishes its own requirements for licensure, and nothing prevents an authority from providing accommodations for a military dependent or out-of-state licensee. However,

these matters should be left for each authority to consider, and not required of all professions and vocations.

For these reasons, we oppose this bill and respectfully request that it be held. 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.

Thank you for the opportunity to provide testimony on Senate Bill No. 2395.



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

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

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 2395 Relating to Professional and Vocational Licensing for Military Spouses

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 today on SB2395, a bill relating Professional and Vocational Licensing for Military Spouses. My name is 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.

Over 70% of our military spouses say they want to work or need to work. Military families are not unlike their civilian counterparts; they depend on two incomes, and like anyone else, want to achieve their goals and aspirations. The annual percent of the military spouse population that moves across state lines is 14.5% - compared to 1.1% for civilian spouses. Military spouses also usually move every 2-3 years. **These statistics make it clear that we are dealing with a unique population.**

Licensure by Endorsement; Experience Requirements

As a result of frequent moves, many spouses obtain professional degrees/licenses but do not remain in that state long enough to progress in their occupations once they find suitable jobs. Another common scenario is that the spouse does get experience but then in the subsequent move, they are unable to find work in their field. When they move to the next state, the experience they had two assignments ago is no longer current enough to qualify for an endorsement. This scenario often occurs when the Service member is stationed overseas and there is no opportunity for employment in the spouse's occupation or even the opportunity to volunteer. As a result, some states are accepting continuing education credits in lieu of experience as an indication that spouses are maintaining current knowledge in their field when they cannot gain experience. Without this accommodation, many military spouses would never be allowed to work in their chosen profession and would be put at an unfair disadvantage compared to the civilian population who has much more control when it comes to choosing when they are going to move.

Expedited License Issuance

The Defense State Liaison Office conducted an informal study to identify some of the barriers hindering military spouses from attaining licenses following a military move. In a review of twenty states, using the top five highest demand professions according to the US Department of Labor, the licensing timeline was delayed up to 6 months due to the exam process, application process, or requirement for background checks. We realize that boards can make evaluation a lengthy process which is exactly why we are requesting the licensing process be expedited for our spouses who may only have 2-3 years to work in Hawaii. If a spouse has to wait 6 or more months for review, state-exams, and processing, they have very limited time to search for employment. Military spouses would be at an unfair disadvantage when it comes to finding employment. These delays in employment can cause significant hardship on the military family because of loss of needed income.

Other states are seeking ways to recognize the professionalism of military spouses by allowing them to obtain a provisional license based on the information provided in their application as long as they sign an affidavit stating the information is true and that they will provide the necessary verification within a specified time. This temporary license would allow the spouse to work while additional requirements are met or the license from the previous state is being validated. In each of the eleven states that has already enacted legislation, the licensing boards have recognized that they are dealing with professionals who have had to qualify for a license in another state and who have the necessary documentation to show they are competent in their specialties. We believe, as do these states, that there are sufficient mitigating factors and methods to provide control outside of the status quo for the small number of applications these boards can expect from military spouses. The First Lady Michelle Obama has called on all states to pass this legislation.

Temporary License

If Hawaii has additional requirements for licensure, we would expect Hawaii to require the spouse to meet those requirements prior to issuing a permanent license. Some states have addressed concerns regarding public safety by requiring spouses with less than required experience to work under the supervision of someone with a state license until they meet the state requirements, if the particular licensing authority felt it was prudent for that profession.

We appreciate the DCCA's concern in protecting the public and would not want a spouse to be licensed when they are not qualified or would pose a danger to those they served. The spouses we are referring to in this bill are **all licensed in another state**. We understand that the reason for licensing is to safeguard the public, and we believe (as several other states believe) that providing a temporary license to a military spouse who is already licensed in another state and who has had experience in that licensed occupation presents little risk to the public.

Special Consideration

As pointed out above, military spouses are not getting a fair and equal opportunity to follow their career path as a result of licensing procedures in states that limit their opportunity to find employment and progress in expertise. We are simply asking that states level the playing

field for these military families who have made and continue to make so many sacrifices for their country.

We are not saying that the licensing board must exclude others from the proposed approach but rather, because of the circumstances in which military spouses find themselves, the board should consider methods that can allow military spouses to not be excluded from the main stream of their occupations. Colorado and Montana chose to apply the modifications to their statute to all applicants since expedited approaches made good business sense and the proposed changes were developed on the basis of their experience with applicants.

One of our primary objectives in addressing the issue of military spouse employment is retention of Service members and its impact on military readiness. We know that most decisions to stay in the military are made around the kitchen table and not in the personnel office. To retain our trained and experienced military, we must retain the family. The Defense Manpower Data Center reported in a survey of active duty Service members that 59% of our military are married. Additionally, that percentage increases to 72% for non-commissioned officers and 73% for officers. As you know, these two groups possess the critical experience necessary for our professional armed forces. Sixty-eight percent of married Service members reported their spouse's ability to maintain a career impacts their decision to remain in the military by a large or moderate extent.

The policies, as proposed in SB 2395, would provide an opportunity for military spouses to quickly enter the workforce and continue their careers when moving to Hawaii, without hindering the family's financial well-being.

Necessary Mandate

The companion bill HB 2257 was amended in the House changing “shall” to “may”. We believe that saying the boards *may* make this kind of change would **not** be an adequate mandate to see that meaningful change occurs. Without a mandate that directs the DCCA and the boards to consider accommodations for military spouses, we suspect that they, for the reasons they innumerate in their testimony, will not take the necessary action. We believe that only through legislation can meaningful change be made, and we believe this change needs to be designed by the DCCA and the licensing authorities to ensure whatever is developed will meet their oversight responsibilities while still fulfilling the desired objective of this legislation. We would ask that this Committee not amend the bill in this fashion.

First Lady Michelle Obama has also taken on military spouse employment as a personal project, issuing a report on Military Spouse Employment on February 15, pointing out the need for continued work by the federal government and by the states to address this issue. She has encouraged all states to pass legislation similar to SB 2395 that will support the unique needs of military spouses. We hope that we can include Hawaii in the list of states that have chosen to provide meaningful and substantive solutions. I will be happy to answer any questions.

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

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

Thursday, February 23, 2012

9:00 AM

Conference Room 229

**RE: SENATE BILL NO. 2395, 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 support of Senate Bill No. 2395, Relating to Professional and Vocational Licensing.

The measure proposes to require licensing boards to allow applicants to demonstrate competency in lieu of work experience required, and to establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses.

The Chamber's Military Affairs Council has served as the liaison for the state in matters relating to the military since 1985. The employment of military spouses is one of the priority quality of life issues cited by the US Secretary of Defense.

This measure proposes to facilitate the employment of qualified military spouses. This is consistent with ongoing efforts by the US Department of Defense and the First Lady, Mrs. Michelle Obama, encouraging states and employers to provide gainful employment opportunities for military spouses, many of whom are highly qualified to fill vacancies in the local professional workforce.

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

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 2395 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 licensing agencies to allow demonstration of competency rather than just work experience and to expedite license issuance for military spouses.

Our position on this bill is essentially the same as that of the previous measure heard today, SB 2392. 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.

As noted earlier, this is now a national issue strongly supported by the Department of Defense and the Department of Veteran Affairs.

As noted earlier 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. These are very similar to procedures and processes supported in this bill.

If the American Bar Association can do this, surely we can in Hawaii.

Thank you for the opportunity to provide testimony.

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 SB2395

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 SB2395 as it applies to the licenses pertaining to certified public accountants. In these troubling economic times, granting a certified public accountant license to an individual without the requisite two years of public accounting experience or its equivalent in private industry or government practice as required by the Hawaii Revised Statutes will harm the Hawaii consumer who relies upon the CPA to provide for his/her financial and tax needs. Granting a CPA license that allows an individual to perform financial audits without the requisite experience requirement is dangerous in a profession where on-the-job training is crucial. Having trained many CPA candidates over the years, and I am familiar with the shortcomings of a candidate with no experience.

SB2395 is also overly broad as it applies to all Hawaii licenses that have differing licensing requirements for the protection of Hawaii's public. It doesn't make sense to carve out an exception for a certain group that has special privileges due to his/her marriage status. What happens if there's a divorce? What protections are there for Hawaii's consumers in case of harm done by a transient spouse who is granted a license under special circumstances? Why require the issuance of a license by only comparing the licensing standards of another state versus seeing whether the person meets Hawaii licensing standards?

There are many troubling issues with SB2395. For those reasons, our firm urges you to oppose SB2395 relating to special provisions only for military spouses.

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 SB2395

Conference room: 229

Testifier position: Oppose

Testifier will be present: No

Submitted by: Wailua Brandman APRN-Rx BC FAANP

Organization: Hawaii Association of Professional Nurses

E-mail: wailua@aya.yale.edu

Submitted on: 2/20/2012

Comments:

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 Nursing 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.

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 Hawai'i Association of Professional Nurses deems 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.

Wailua Brandman ARPN-Rx BC FAANP, Immediate Vice President / Legislative Comte
Chair Hawai'i Association of Professional Nurses

Testimony for CPN 2/23/2012 9:00:00 AM SB2395

Conference room: 229

Testifier position: Support

Testifier will be present: Yes

Submitted by: Scott Wall

Organization: United Self Help

E-mail: robertscottwall@yahoo.com

Submitted on: 2/12/2012

Comments: