

# HB 1381, HD2, SD1

Measure Title: RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

Report Title: Licensure; Veterans; Nonresident Military Spouses; Endorsement; Reciprocity

Description: Limits licensure by endorsement or reciprocity for nonresident military spouses to those spouses who are present in the State for at least one year pursuant to military orders. Limits consideration of military service or training for licensure by endorsement or reciprocity to veterans honorably discharged within two years of application and excludes medical doctors, dentists, CPAs, and other licensees for which specified endorsement or reciprocity regulations exist. Clarifies and permanently establishes various requirements for licensure by endorsement and reciprocity for military veterans. Effective July 1, 2112. (SD1)

Companion:

Package: None

Current Referral: PSM, CPN

Introducer(s): TAKAI



**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

**The Honorable Rosalyn H. Baker  
Senate Committee on Commerce and Consumer Protection**

**March 26, 2013**

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

**HB1381 Relating to Professional and Vocational Licensing**

Chair Baker and Members of the Committee:

On behalf of the Department of Defense, I would like to thank you for the opportunity to submit testimony on HB1381 SD1, a bill relating to Professional and Vocational Licensing. 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.

During the 2012 legislative session, Hawaii passed legislation that facilitated Service members receiving consideration of their military education, training, and experience toward meeting state criteria when applying for a state license. This policy addressed the problem separating Service members frequently face of delays in getting post-Service employment even though they have applicable military education, training and experience which can qualify them for licenses. The Legislature also passed legislation to help military spouses stationed in Hawaii to obtain licenses when they held a license in good standing in another state.

HB1381 SD1 makes some changes to the existing statute by providing support for transitioning Service members who come to Hawaii with a professional license from another state. We support this policy that will allow our separating veterans with licenses in other states to obtain licenses in Hawaii and return to work.

We also understand the desire to limit the application of the existing statute to recently separated Service members and spouses who are permanently stationed in Hawaii for an extended length of time. We are comfortable with these changes.

Additionally, SD1 states that the requirements of this section do not apply to dentists, doctors, and CPAs. The Department of Defense would like to see application of the policy to be as broad as possible, covering the maximum of professions and individuals. However, we believe that the impact of carving out these three professions would have a minor impact on our

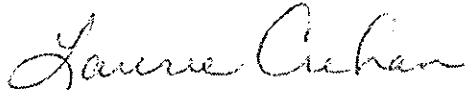
*Improving the Lives of Military Members and their Families*

population and so we can live with it if it is necessary to keep the bill moving forward. We would also be just as happy if these three professions were not excepted.

We appreciate the support that Hawaii gives to our Service members, veterans, and their families.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Crehan".

Laurie Crehan, Ed.D.

State Liaison

Office of the Deputy Assistant Secretary of Defense, Military Community and Family Policy

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

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-SEVENTH LEGISLATURE  
Regular Session of 2013

Thursday, March 28, 2013  
9:30 a.m.

**WRITTEN COMMENTS ONLY**

**TESTIMONY ON HOUSE BILL NO. 1381, H.D. 2, S.D. 1, RELATING TO  
PROFESSIONAL AND VOCATIONAL LICENSING.**

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, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to submit comments on House Bill No. 1381, H.D. 2, S.D. 1, Relating to Professional and Vocational Licensing.

The purpose of House Bill No. 1381, H.D. 2, S.D. 1, is to clarify the licensure processes by endorsement or reciprocity for military spouses and military service members, by amending Hawaii Revised Statutes ("HRS") section 436B-14.7, and adding a new section to HRS Chapter 436B.

Testimony on House Bill No. 1381, H.D. 2, S.D. 1  
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We would like to inform the Committee that on Page 3 of the bill, beginning with line 12, Section 2, the contents were **not** replaced by Senate Bill No. 506, S.D. 2, as is recorded in Standing Committee Report No. 1035. It was instead replaced by the H.D. 1. If the bill is amended by inserting the S.D. 2 in place of the H.D. 1, then the Department can support the measure.

Thank you for the opportunity to provide comments on House Bill No. 1381, H.D. 2, S.D. 1.

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

**Thursday, March 28, 2013**

**9:30 AM**

**Conference Room 229**

**RE: HOUSE BILL NO. 1381, HD2, SD1, RELATING TO PROFESSIONAL AND  
VOCATIONAL LICENSING**

Chair Baker and Vice Chair Galuteria, 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 House Bill No. 1381, HD2, SD1, Relating to Professional and Vocational Licensing.

The measure proposes to limit licensure by endorsement or reciprocity for nonresident military spouses to those spouses who are present in the state for at least one year pursuant to military orders. Limits consideration of military service or training for licensure by endorsement or reciprocity to veterans honorable discharged within two years of application and excludes medical doctors, dentists, CPAs, and other licenses for which specified endorsement or reciprocity regulations exist. Clarifies and permanently establishes various requirements for licensure by endorsements and reciprocity for military veterans.

The measure proposes to ease the difficulties experienced by military spouses and our returning veterans in seeking employment in fields that require licensing. Returning veterans especially are suffering high unemployment rates in the country and this sensible procedure will enable those who meet the qualifying requirements an opportunity to become productive citizens in a timely manner.

The requirement for orders specifying that the member or spouse is " ... to be stationed in Hawaii for a duration of at least one year" may require clarification. It appears to require that a qualified non-resident spouse must be

married to a military member who is stationed in Hawaii for at least one year. This could be interpreted as requiring that the non-resident spouse must wait until they have been in Hawaii for at least one year before eligible to apply, thus establishing an unnecessary one year delay before the spouse is eligible to apply.

Normally, permanent change of station (PCS) orders are issued in assigning military members to a duty station for other than temporary conditions, usually for a duration of one or more years. These orders remain in effect until the member is reassigned to another permanent assignment.

In light of the above, we recommend the measure be clarified to avoid any confusion in applying the proposed procedure.

Thank you for the opportunity to testify.

Hawaii State Legislature  
State Senate  
Committee on Commerce and Consumer Protection

State Senator Rosalyn H. Baker, Chair  
State Senator Brickwood Galuteria, Vice Chair  
Committee on Commerce and Consumer Protection

Thursday, March 28, 2013, 2:55 p.m. Room 224  
House Bill 1381 SD 1 Relating to Professional and Vocational Licensing

Honorable Chair Rosalyn H. Baker and members of the  
Senate Committee on Commerce and Consumer Protection,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its 960 member dentists. I appreciate the opportunity to submit testimony in opposition to House Bill 1381 SD 1 Relating to Professional and Vocational Licensing. The bill before you today would seek to provide for the licensure by credential and reciprocity for all licenses issued by the State of Hawaii Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division with the exception for "medical doctors, dentists, certified public accountants, or by a licensing authority that is subject to specific provisions regulating licensure by endorsement or licensure by reciprocity pursuant to another chapter".

Additionally, there is additional language in the new Senate Draft that deals with spouses of military personnel which were granted temporary licensing privileges from Act 247, SLH 2012 which does little to clarify the problems created by the vague language of that legislation. In SB 965, SD 1 the problems with regards to the military spouses were properly addressed and in this bill, the problems will not be addressed.

In its current form, the HDA does not support this bill. However, since this bill and one similar to it have been introduced this session, the HDA believes that this issue needs to be deferred so all the parties affected by this legislation have an opportunity to meet and discuss these issues at length during the interim. With over 125,000 licensees affected by this legislation, I would hope that any drastic changes affecting their licensure should be fully explained to them before the Legislature makes significant changes to the law affecting their licensure. Therefore, the HDA request that this bill be held and that all parties meet during the summer on this very important issue.



TO THE HONORABLE ROSALYN, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Jason Bullock and I am a board certified general dentist through the American Board of General Dentistry and currently serve as one of its deputies for its oral board examination. Thank you for the opportunity to address H.B. 1381, H.D. 2, S.D. 1 and its discriminatory position against dentists that are service members. I have grave concerns regarding Section 2(d) and Section 3 of the bill which exempts medical doctors, dentists, and certified public accountants from the requirements of Act 248. The rationale for this discriminatory action seems to contradict the original purpose and intent of the Act which is to alleviate some of the service member's licensure hardship of having to move through numerous states and jurisdictions during the time of separation from service. In addition, this discriminatory action opposes President Obama's Veterans Employment Initiative which was enacted to enhance and promote employment opportunities to veterans.

The American Dental Association (ADA); Department of State Government Affairs; 07 License Recognition-Dentists' February 19, 2013 already supports freedom of movement through licensure by credentials. Dental boards in 46 states plus the District of Columbia and Puerto Rico grant licenses to dentists to practice in any setting, to anyone who is currently licensed and in an active status, and to dentists that have continuously practiced for a specified period of time in another jurisdiction without further theoretical and clinical examinations. The license recognition system, often referred to as licensure by credentials, may also be referred to as licensure by reciprocity, endorsement, or criteria.

Currently, only four states in the United States do not currently grant an unrestricted dental license by credentials. Those states are Delaware, Florida, Hawaii, and Nevada. At a minimum, in order to honor the Veterans Employment Initiative, legislation should at least give dental licensure by reciprocity or credentials for service members as set forth by the other 46 states.

Hawaii's standards for state dental licensure is not being lowered or sacrificed in any way. Service member dentists are already required to maintain at least one active unrestricted state dental license from at least one state to practice dentistry within their respective service facilities regardless of its location within the United States. Practicing dentistry outside of that facility within any particular state requires the service member to obtain an active unrestricted license for that particular state. Hawaii, under its current law, requires a service member dentist to pass the new ADEX clinical examination even if that service member dentist has already passed an equivalent clinical examination given by another state or regional dental testing agency. Since the ADEX was established in 2005, it automatically excludes a service member dentist who graduated

prior to 2005 or who elected to take another state board or regional dental testing agency clinical examination. Requiring a service member to take another clinical licensing exam places undue hardship and unnecessary financial burden upon the service member dentist, while providing little or no value in the evaluation of a dental specialist. The requirement of having to take multiple clinical examinations is exactly the reason that most states have elected to allow licensure by reciprocity or credentials.

Service members already meet the other dental licensure requirements of graduating from an ADA accredited dental school, successfully passing Parts I and II of the written National Board Dental Examinations as well as a clinical examination conducted by either an individual state board of dentistry or by a regional dental testing agency. Again, as the Bill clearly states, all service members would be required to have an active unrestricted state dental license to apply under the proposal.

Ultimately, by supporting this discriminatory action through restriction of free trade and commerce, this will adversely affect the people of the state of Hawaii the most by depriving them of highly trained and in many cases board certified general dentists and dental specialists. Restricting the access of competent dental health care providers will only result in decreased access to care and inflated costs for dental services for the people of the state of Hawaii. It is hard to justify that a board certified dental specialist with over 20 years of service and an active unrestricted state dental license could not provide the same or superior quality dental care for the people of Hawaii as a recent dental school graduate who just passed the ADEX examination.

For the aforementioned reasons, it is respectfully requested that the exceptions for dentists be stricken from Bill 1381 and further examination and evaluation of this issue be provided by an independent third party that has no financial incentive to grant or deny service members from obtaining an unrestricted dental license by reciprocity or credentials.

Sincerely,

Jason Bullock, DMD, ABGD, FAGD  
lianajason@yahoo.com