



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

March 24, 2021

The Honorable Senator Clarence K. Nishihara
Chair, Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Senator Rosalyn H. Baker
Chair, Senate Committee on Commerce and Consumer Protection

415 South Beretania St.
Honolulu, HI 96813

RE: SCR 109 – Military Spouse; Licensing Standards; Report

Dear Chair Nishihara, Chair Baker, and Members of the Committees:

On behalf of military families and the U.S. Department of Defense (DoD, The Department), I am writing to express support for the policy changes expressed within Senate Concurrent Resolution (SCR) 109, with one request for amendment. This resolution urges all licensing agencies listed within Senate Bill (SB) 1115 to examine other states' licensing credentials and determine which states have licensing standards that meet or exceed Hawaii's licensing standards.

Military spouses are disproportionately affected by varying state-specific licensure requirements that can cause considerable delays and gaps in employment. Over 34 percent of military spouses in the workforce are in licensed professions, while also experiencing frequent moves (every two to four years on average) due to their families' service to the nation – requiring them to seek re-licensure for each interstate move. State policies that enhance existing licensure provisions for military spouses relieve one of the many stressors for military families by enabling spouses to more quickly transfer their licenses in order to obtain employment in a new state.

Hawaii Revised Statutes §436B-14.7 currently provides opportunities for military spouses to obtain expedited licensure by endorsement or temporary licensure, with application process requirements that military spouses have found to be barriers to licensure in Hawaii. As an amendment to SB 1115, SCR 109 seeks to streamline the process of obtaining a temporary license or license by endorsement for military spouses by urging certain licensing boards to evaluate the requirements of other states' licenses. By doing so, military spouses in these occupations will not have to submit to individual evaluations of the requirements of licenses they hold from other jurisdictions found to have substantially equivalent requirements to those in Hawaii, speeding up the application process and allowing them to be licensed and employed more quickly.

The Department very much appreciates the intent of SCR 109. **We would like to request that the following occupations be added to the list of occupations referenced: dental hygienist, cosmetologist/barber, massage therapist, physical therapist, emergency medical technician, and veterinarian.** Including these additional occupations would have a significant impact on our community

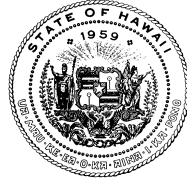
as we have determined that, *in addition to* many of the occupations already listed within SB 1115, the majority of licensed military spouses are employed within these occupations. These occupations are also included in current DoD and Department of the Air Force assessments of state licensure policies. Current DoD policy, as directed by the 2021 National Defense Authorization Act (NDAA Sec. 2883), requires the Services to include these assessments in their future basing considerations.

In closing, the Department is appreciative of the ongoing efforts of Hawaii in supporting the military community. Thank you for providing us the opportunity to support the policy reflected within SCR 109 and for considering our recommendation for amendment. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Kelli May Douglas". The signature is written in a cursive, flowing style.

Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
Office of the Deputy Assistant Secretary of Defense
(Military Community and Family Policy)
kelli.m.douglas.civ@mail.mil



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on SCR109
URGING THE DEPARTMENT OF HEALTH WITH THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS, DEPARTMENT OF DEFENSE, AND
ANY OTHER LICENSING AGENCY THAT OVERSEES A PROFESSION LISTED IN
SENATE BILL NO. 1115 (2021), SECTION 3, TO EXAMINE OTHER STATES'
LICENSING CREDENTIALS AND DETERMINE WHICH STATES HAVE
LICENSING STANDARDS THAT MEET OR EXCEED HAWAII'S LICENSING
STANDARDS.

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

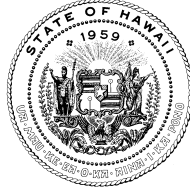
Hearing Date: March 25, 2021 Room Number: N/A

1 **Department Testimony:** The Department of Health (DOH) does not operate mandatory
2 professional licensing programs for health care workers, including all of those listed on SB1115
3 SLH 2021, Section 3. As a result, the department requests to be stricken from this measure.

4 Thank you for the opportunity to testify.

5 **Offered Amendments:** N/A.

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DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Public Safety, Intergovernmental, & Military Affairs
and
Senate Committee on Commerce & Consumer Protection
Thursday, March 25, 2021
1:05 p.m.
Via Videoconference**

On the following measure:

S.C.R. 109, URGING THE DEPARTMENT OF HEALTH WITH THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DEPARTMENT OF DEFENSE, AND ANY OTHER LICENSING AGENCY THAT OVERSEES A PROFESSION LISTED IN SENATE BILL NO. 1115 (2021), SECTION 3, TO EXAMINE OTHER STATES' LICENSING CREDENTIALS AND DETERMINE WHICH STATES HAVE LICENSING STANDARDS THAT MEET OR EXCEED HAWAII'S LICENSING STANDARDS

Chair Nishihara, Chair Baker, and Members of the Committees:

My name is Ahlani Quiogue, Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department appreciates the intent of and offers comments on this resolution.

The purposes of this resolution are to: (1) urge the Legislative Reference Bureau (LRB) to assist the Department, Department of Health, Department of Defense, or any other licensing agency to examine the licensing credentials of other states and determine which states have licensing standards that meet or exceed Hawaii's licensing standards for those professions listed in section 3 of S.B. 1115 (2021); and (2) submit a

report of its findings and recommendations, including proposed legislation, to the Legislature prior to the Regular Session of 2022.

The Department appreciates the Legislature's consideration of having the LRB, a neutral third party, assist it with examining the licensing credentials of other states to determine which states have licensing standards that meet or exceed Hawaii's licensing standards for those professions listed in section 3. However, the Department conducted a comparative analysis of other states during its collaboration with the Hawaii Department of Defense to prepare administration measures S.B. 1115 and H.B. 961, H.D.1¹. As such, although the Department appreciates the method of review set forth in this resolution, an examination may not be necessary at this time.

In addition, the Department notes that H.B. 961, H.D. 1, Relating to Military Dependents, was heard before the Senate Committee on Commerce and Consumer Protection on March 23, 2021, and the findings at that hearing may assist the Committee in considering S.C.R. 109.

Thank you for the opportunity to testify on this resolution.

¹ H.B. 961, H.D. 1 differs from S.B. 1115 in that, at the request of the Department, mental health counselors have been added to the list of professions that meet national standards for purposes of temporary licensure of military spouses.

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

SCR109

**URGING THE DEPARTMENT OF HEALTH WITH THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS, DEPARTMENT OF DEFENSE, AND
ANY OTHER LICENSING AGENCY THAT OVERSEES A PROFESSION LISTED IN
SENATE BILL NO. 1115 (2021), SECTION 3, TO EXAMINE OTHER STATES'
LICENSING CREDENTIALS AND DETERMINE WHICH STATES HAVE LICENSING
STANDARDS THAT MEET OR EXCEED HAWAII'S LICENSING STANDARDS**

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committees on Public Safety, Intergovernmental, and Military Affairs
and Commerce and Consumer Protection

Thursday, March 25, 2021, 1:05 p.m.
Conference Room Via Videoconference

Chairs Nishihara and Baker and Members of the Committees:

Good afternoon Chairs Nishihara and Baker and members of the Committees. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written **comments** on S.C.R. No. 109 and S.R. No. 86 urging the Department of Health with the Department of Commerce and Consumer Affairs, Department of Defense, and any other licensing agency that oversees a profession listed in Senate Bill No. 1115 (2021),¹ section 3, to examine other states' licensing credentials and determine which states have licensing standards that meet or exceed Hawaii's licensing standards.

The purpose of these measures is to urge:

¹ Senate Bill No. 1115 (2021) proposes an amendment to the Hawaii Revised Statutes that would allow for temporary occupational licensure of military spouses who have met the criteria for licensure in those occupations in other states.

- (1) The Department of Health with the Department of Commerce and Consumer Affairs, Department of Defense, and any other licensing agency that oversees a profession listed in Senate Bill No. 1115 (2021), section 3, as proposed by new language to section 436B-14.7(a)(2)(A), Hawaii Revised Statutes, to examine the licensing credentials of other states and determine which states have licensing standards that meet or exceed Hawaii's licensing standards; and
- (2) The Legislative Reference Bureau to assist the Department of Health, Department of Commerce and Consumer Affairs, Department of Defense, or any other licensing agency with the examination and submit a report of their findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

The Bureau takes no position on the merits of this measure but submits the following comments for your consideration.

The Bureau has extremely serious concerns regarding the inordinate amount of work that the measure could pose. We lack sufficient staffing and resources to undertake the tasks required under this measure, especially in view of the numerous other measures requiring or requesting our assistance during the upcoming interim.

As an initial matter, we note that the Bureau has no specific expertise or particular experience in matters relating to the licensing or regulation of any profession. Consequently, any examination duties requested to be performed by the Bureau would first require considerable time and resources for the Department of Health, Department of Commerce and Consumer Affairs, Department of Defense, or other licensing agency to help educate Bureau staff on the relevant aspects of their jurisdictional licenses.

We respectfully suggest that it may be more effective to request an agency having particular knowledge regarding the regulation of licensed professionals, such as the Office of the Auditor, to assist with this task. We note that section 26H-6, Hawaii Revised Statutes (HRS), requires the Office of the Auditor to conduct sunrise reviews of the licensure and regulation of various professions as requested by the Legislature.

More importantly, the Bureau has very serious concerns regarding the amount of resources necessary to adequately perform duties requested by this measure. The measure effectively asks for an analysis of the *licensing requirements of all forty-nine other states for each of the thirty following professions* mentioned in Senate Bill No. 1115 (2021):

- (1) Accountants;
- (2) Acupuncturists;

- (3) Architects;
- (4) Athlete agents;
- (5) Athletic trainers;
- (6) Behavior analysts;
- (7) Dentists;
- (8) Dispensing opticians;
- (9) Engineers;
- (10) Hearing aid dealers and fitters;
- (11) Marriage and family therapists;
- (12) Certified nurse aides;
- (13) Licensed practical nurses;
- (14) Registered nurses;
- (15) Nursing home administrators;
- (16) Occupational therapists;
- (17) Optometrists;
- (18) Pharmacists;
- (19) Naturopathic physicians;
- (20) Osteopathic physicians;
- (21) Physicians;
- (22) Physician assistants;
- (23) Podiatrists;
- (24) Psychologists;

- (25) Real estate appraisers;
- (26) Respiratory therapists;
- (27) Social workers;
- (28) Speech pathologists
- (29) Audiologists; and
- (30) Veterinary technicians.

This would mean that at least 1,470 different sets of licensing requirements would need to be identified, analyzed, and compared to the requirements for licensure in Hawaii.²

Moreover, this analysis would likely require reviewing significantly *more than* 1,470 different sets of licensing requirements since the licensure of at least some of the referenced professions include various specialties. For example, professional engineers (the ninth listed profession) in Hawaii are licensed according to discipline (agriculture, chemical, civil, electrical, industrial, mechanical, and structural), and it seems likely that many other states would have similar licensing systems.

Further, we note that present law (see section 436B-14.7, HRS) *already allows for temporary and conditional licensure reciprocity* to a military spouse if that military spouse holds a current license in another state with licensure requirements that the Hawaii licensing authority determines are equivalent to or exceed those established in Hawaii. The appropriate Hawaii licensing authority is required to expedite its review and determination. It is unclear precisely what issue with the existing law that S.B. No. 1115 was attempting to resolve: whether a lack of resources to enable the licensing authority to expedite these decisions; an unwillingness to do so; or some other issue. Nevertheless, it would seem that each individual licensing authority is in a better position to know what licensing requirements would be equivalent to or exceed those for the professions under their jurisdiction. Thus, it would seem that the examination requested under this measure would be best directed to those who already possess the requisite knowledge and experience with these issues.

Thank you again for the opportunity to submit written comments.

² Licensing requirements of 49 other states x 30 professions = 1,470 different licensing requirements.



**Testimony to the Senate Committee on Public Safety, Intergovernmental, and
Military Affairs, and
Senate Committee on Commerce and Consumer Affairs
Thursday, March 25, 2021 at 1:05 P.M.
Written Testimony**

**RE: SCR 109 / SR 86, URGING THE DEPARTMENT OF HEALTH WITH THE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DEPARTMENT OF
DEFENSE, AND ANY OTHER LICENSING AGENCY THAT OVERSEES A PROFESSION
LISTED IN SENATE BILL NO. 1115 (2021), SECTION 3, TO EXAMINE OTHER STATES'
LICENSING CREDENTIALS AND DETERMINE WHICH STATES HAVE LICENSING
STANDARDS THAT MEET OR EXCEED HAWAII'S LICENSING STANDARDS.**

Chairs Nishihara and Baker, Vice-Chairs English and Chang, and Members of the
Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SCR 109 and SR 86.

The Chamber's Military Affairs Council (MAC) was established in 1985 to specifically advocate on behalf of Hawaii's military as it is the second economic driver for the State of Hawaii, comprised of business leaders, state and local officials, non-profit organizations, community leaders and retired U.S. flag and general officers to advocate and liaison with the military commands.

Efforts have been underway throughout all 50 states to support military spouses with professional licenses who are able and interested in working while stationed in our community. We have shortages for some of these positions in Hawaii - teachers, nurses, and a variety of health-related fields especially now during the COVID-19 pandemic.

While many states have enacted some form of relief in the area of occupational license reciprocity for spouses married to an active-duty member of the armed forces, a Department of Defense report illustrates that improvements can be made and has developed best practices to modernize and balance the reciprocity of occupational license professions and the protection of consumers.

The report, which has been delivered to members of Congress and state Governors, lays out some immediate, near-term and long-term solutions. There are currently occupation-specific compacts for physicians, nurses, physical therapists, emergency medical technicians, psychologists, and audiologists/speech-language pathologists. For example, the



Chamber *of* Commerce HAWAII

The Voice of Business

nurse licensure compact has been approved by 34 states and is being considered by 10 more states in 2020 with others being considered in 2021.

Thank you for this opportunity to provide testimony.