

TESTIMONY ON HOUSE BILL 782 HD1
RELATING TO MILITARY DEPENDENTS

PRESENTATION TO:
THE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

February 24, 2021

Aloha Chairperson Johanson, Vice Chairperson Kitagawa, and members of the Committee on Consumer Protection and Commerce.

I am Major General Kenneth Hara, Adjutant General, Director of the Hawaii Emergency Management Agency and Homeland Security Advisor.

The Department of Defense (DOD) appreciates the intent of HB782 HD1 and offers the following **COMMENTS**.

The purpose of this bill is to allow a military spouse who holds an unencumbered license in another jurisdiction, in one of 30 specific professions in the bill, to apply for licensure on an expedited basis. The DOD supports and appreciates the intent of HB 782 HD1, as this bill will benefit military families with increased employment opportunities. However, DOD prefers the language in HB961, as it relates to licensing, primarily because that language has been conferred with the Department of Commerce and Consumer Affairs (DCCA) and their attorney general.

The DOD would also like to highlight that language in HB 961 additionally exempts the residency requirement for state employment for military dependents. That residency exemption is important to servicemembers and their families, and we request that residency exemption language in HB 961 continue. Additionally, we appreciate and support HB 782 HD1's holistic inclusion of all components of the military, and recommend revised language similar to the following to replace line 11 through 14 on page 3: "Notwithstanding any other law, a person who is married to an Active Duty, National Guard or Reserve member of the armed forces of the United States shall be approved for temporary licensure if the person:"

Military spouses who accompany their armed servicemember on a permanent change of station (PCS) experience many challenges with moving and adjusting, particularly when they have families. Their reduced ability to find competitive jobs compounds that challenge and often results in months of nonemployment. Currently, military spouses accompanying their servicemember on a PCS must apply for licensure through a license reciprocity process that mandates license equivalency. This is problematic for applicants depending upon their home jurisdiction. A typical PCS tour last 2-3 years, and it often takes 3-4 months to obtain licensure for a spouse who holds a license to practice their profession in another jurisdiction. HB 782 HD1 will substantially help military families financially, and we believe will concurrently benefit

the state by increasing the competitive pool of qualified and experienced candidates for state employment, particularly in chronically understaffed professions.

The DOD defers to DCCA for their input on the impacts to the current process and risks associated with streamlining the current system of processing licensure requests or other matters relating to implementation of this measure.

Thank you for the opportunity to provide testimony in support of HB 782 HD1.

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February 25, 2021

The Honorable Representative Aaron Ling Johanson
Chair, House Committee on Consumer Protection and Commerce
415 South Beretania St.
Honolulu, HI 96813

RE: HB 782 HD1 – Relating to Licensing.

Dear Chair Johanson, Vice Chair Kitagawa and Members of the Committee:

On behalf of military families and the U.S. Department of Defense, I am writing to express support, if amended, for the policy changes expressed within HB 782 HD1, as amended on February 19, 2021. This bill has the potential to significantly move Hawaii forward in the effort to continue to facilitate increased career portability for military spouses, with two key changes that we would like to submit as a recommendation for improvement.

Licensure issues affecting career portability for the spouses of military service members have been a priority for the Department for several years. The ability for military spouses to transfer their licenses in order to obtain employment upon a new military assignment is very important to their career sustainability and their families' financial stability. Enhancing licensure policy in Hawaii is of special emphasis for the Department as Hawaii hosts the highest ratio of military spouses to the local population of all 50 States. Additional points that underscore the importance of addressing the issue:

- More than half of all active duty military personnel are married.
- Nationally, the unemployment and underemployment rates of military spouses are historically significantly higher than their civilian spouse counterparts.
- 88 percent of employed military spouses have indicated that they wanted to work and/or needed to work.
- 34 percent of military spouses in the workforce are in licensed occupations.
- Military spouses have consistently reported considerable delays in being able to obtain employment upon reassignment to a new state, in large part due to the time required to request, collect, and submit documentation validating the requirements of a license obtained in another jurisdiction, and await board evaluation and decision prior to issuance of a new license.

Current Hawaii statute (HRS §436B-14.7) provides opportunities for military spouses to obtain expedited licensure by endorsement, with an option to practice on a temporary license. **HB 782 HD1 improves upon the current policy by creating a more streamlined process for military spouses to receive licenses by endorsement in 30 identified occupations.** However, as with current policy, there is no stipulated limit on the time taken by boards to adjudicate applications and there are additional requirements placed on the temporary license such as substantial equivalency of a license obtained in another jurisdiction and the necessity to practice under supervision. These requirements are burdensome

and negate the benefit of being able to practice on a temporary license while meeting additional state-specific requirements within a given period of time.

Although we gratefully commend the improved policy regarding licensure by endorsement for the specified occupations referenced in the bill, we respectfully request that the committee consider adding an amendment to HB 782 HD1 to remove the supervision and substantial equivalency language within section (c) and stipulate a 30-day adjudication time frame for the expedited license within section (d) of the bill. **We believe that the key benefit that temporary licenses provide is allowing military spouses, already having met and maintained supervisory, education and examination requirements for licensure in the same area and at the same level of practice in another jurisdiction, to begin working as soon as possible while allowing the board time to evaluate the requirements of their license and, if needed, for the military spouse to meet state-specific requirements for receiving a full Hawaii license by endorsement.**

In closing, we are extremely grateful for the tremendous efforts that Hawaii has historically made to support our military members and their families. We appreciate the opportunity to support the policy reflected within HB 782 HD1, if amended. Thank you for taking the time to consider this issue. Please feel free to contact me with any questions you may have.

Sincerely,



Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
Office of the Deputy Assistant Secretary of Defense
(Military Community and Family Policy)

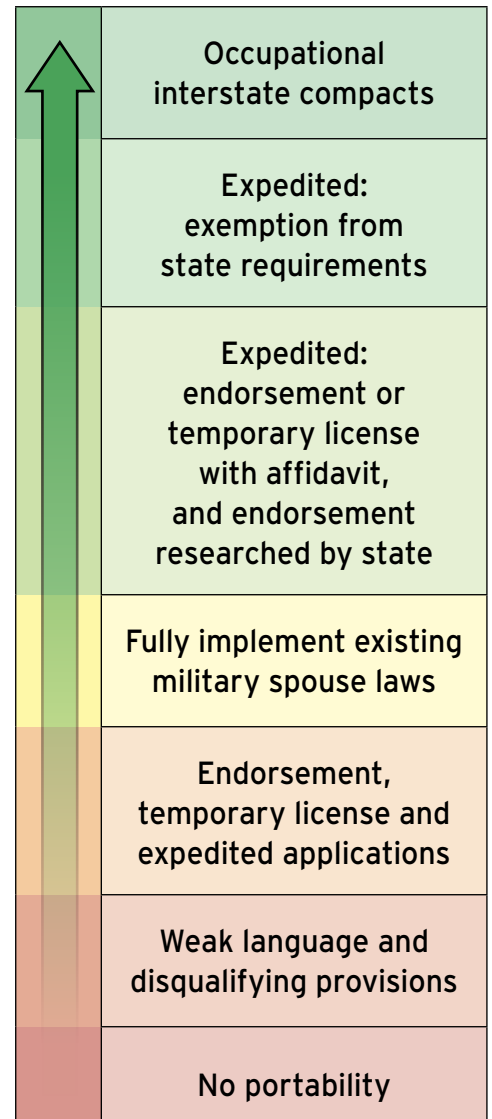


Discussion Points: Enhanced Military Spouse License Portability

State-specific laws are important to reducing the burden associated with the occupational relicensing of military spouses.

Discussion Points:

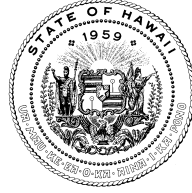
- From 2011-16, states passed laws to revise work-related licensing for military spouses. But often these laws did not reduce the burden of relicensing for spouses moving to a new state. Many provisions include evaluations that require military spouses to request transcripts, test scores, practicum hours, previous licenses and work experience be sent to verify their application.
- States are continuing to make it easier to use a license in good standing from another state to get a new license. Specific ways states can ease the burden associated with relicensing can include:
 - Exempting the military spouse from state-specific requirements
 - Providing a temporary or permanent license based on an application and an affidavit and requiring the verifying documents be submitted by a specific date
 - Requiring the board to research and adjudicate a licensing request based simply on the application
- The desired outcome is to provide the military spouse with a license (temporary or permanent) within 30 days of application, based on an application and initial submission of minimal documentation.
- The Department of Defense encourages states to approve compacts, but also understands that compacts take time to achieve coverage for each occupation.



**As baseline: license in 30 days with submission of minimal documentation*

This chart shows the relative degree of reciprocity, from full reciprocity through compacts between states (in dark green) to no portability (in red).

The annual percent of the military spouse population that moves across state lines is 14.5% – compared to 1.1% for civilian spouses. As much as 34% of military spouses in the labor force are required to be fully licensed; and of those spouses, 19% experience challenges maintaining their licenses.



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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Thursday, February 25, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 782, H.D. 1, RELATING TO LICENSING**

Chair Johanson and Members of the Committee:

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

The purpose of this bill is to allow a person who: is married to an active duty member in the National Guard, military reserves, or armed forces; accompanies his or her spouse on a permanent change of station to Hawaii; and holds a current, unencumbered license in another jurisdiction in specific professions to apply for licensure on an expedited basis in the State.

The Department appreciates the bill's intent to streamline the process and accelerate the timeline for a military spouse to receive a license by endorsement. This bill allows the PVL appropriate time to issue both a temporary license and a permanent license to a military spouse, without severely compromising the Department's ability to effectively evaluate the applicant's qualifications and protect Hawaii's consumers. The

Testimony of DCCA

H.B. 782, H.D. 1

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bill also provides the Department a mechanism to issue licenses by endorsement to professions that have national standards, versus professions and trades with varying standards of licensure. However, the Department prefers H.B. 961, the Department of Defense's administration bill, which is a collaborative effort between the two departments.

Lastly, should the Committee pass this bill, the Department respectfully requests adding "a mental health counselor" to section 1, paragraph (2)(A), as that was inadvertently omitted.

Thank you for the opportunity to testify on this bill.

I would respectfully like to submit testimony in support of and to suggest amended language to HB782, Relating to Licensing, regarding the licensure recognition of military members and their spouses.

I represent the Work for Warriors Hawaii program, which provides employment and career services to Hawaii National Guard and their family members, as well as Reserve Component members and veterans, focused on local employment in Hawaii. As with active-duty spouses, when National Guard and Reserve Component members move to the State and transfer their military service to a Hawaii component, their licensure from another state is not recognized. However, differently from the active-duty component and their family members, these service members are not on active duty orders, and most will need to secure stable civilian employment in Hawaii. Their ability to have their licensure recognized, as this bill proposes for active-duty military spouses, will enhance their ability to secure employment in the community in a timely manner, which will also assist with securing housing and provide a more seamless transition into the local workforce and economy. Unlike the active duty components, National Guard and Reserve members do not receive moving expenses, assistance with housing, or other related active-duty benefits. The inability to quickly secure civilian employment can mean financial hardships for them and their families.

I respectfully ask that the language of the bill be amended from the following:

Notwithstanding any other law, a person who is married to an active duty member of the National Guard, military reserves, and armed forces of the United States shall be approved for licensure if the person:

(1) Is accompanying the member to an official permanent change of station to a military installation located in this State;

to be replaced with (in red):

Notwithstanding any other law, a person who is married to an active duty member of the armed forces, or is a member of the National Guard, or military reserve component of the United States shall be approved for licensure if the person:

(1) Is accompanying the member to an official permanent change of station to a military installation located in this State; or is officially transferring to a National Guard or Reserve Component unit located in the State of Hawaii.

Mahalo for your consideration.

Respectfully,

Deborah Nakashima, Program Manager, Work for Warriors Hawaii

Contact mobile: (808) 630-0128

Email: deb@workforwarriorshi.org



**Testimony to the House Committee on Consumer Protection & Commerce
Thursday, February 25, 2021 at 2:00 P.M.
Via Videoconference**

RE: HB 782, HD 1, RELATING TO LICENSING

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 782, HD 1 which allows a person who: is married to an active duty member in the military; accompanies his or her spouse on a permanent change of station to Hawaii; and holds a current, unencumbered license in another jurisdiction in specific professions to apply for licensure on an expedited basis in the State of Hawaii.

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.

The MAC stands in strong support of HB 782, HD 1 which is part of an effort throughout the 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. This is not about taking a job away but instead adding and welcoming capabilities in areas which we are in need of qualified professionals.

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 report¹ 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 nurse licensure

¹ Military Spouse Licensure Reports

<https://www.militaryonesource.mil/data-research-and-statistics/reports/military-spouse-licensure-reports>



Chamber of Commerce HAWAII

The Voice of Business

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

HB 782, HD 1 is very similar to Administration bill, HB 961. HB 961 provides further relief by amending Hawaii Revised Statutes, Section 78-1 to exempt servicemembers' dependents from residency requirements as a prerequisite to working in state or county governments or agencies. For this reason, we prefer the language contained in HB 961.

Thank you for this opportunity to provide testimony.