

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 938 (Senator Peters)
Education, Health, and Environmental Affairs

**Health Occupations - Service Members, Veterans, and Military Spouses -
Temporary Licensure, Certification, and Registration**

This bill generally requires each health occupations board to issue an expedited temporary license, certificate, or registration to a service member, veteran, or military spouse who meets specified requirements.

Fiscal Summary

State Effect: The bill's requirements can likely be handled with existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An application for a temporary license, certificate, or registration to practice a health occupation must include the following:

- proof that the applicant is a service member, veteran, or military spouse;
- proof that the applicant holds a valid license, certificate, or registration in good standing from another state;
- proof that (1) the applicant is assigned to a duty station in the State (for service members and veterans); (2) the applicant's spouse is assigned to a duty station in the State (for military spouses); or (3) the applicant has established legal residence

in the State (for service members, veterans, military spouses, and surviving spouses);

- proof of application for a criminal history records check, if required;
- proof that the applicant has submitted an application for full licensure, certification, or registration in the State; and
- payment of any application fee required by the respective health occupations board.

Before issuing a temporary license, certificate, or registration, the health occupations board must determine that the requirements for licensure, certification, or registration in the state where the applicant is credentialed are substantially equivalent to or exceed the State's requirements. The temporary license, certificate, or registration is valid for six months or until the date on which an applicant is granted or denied a specified credential, whichever occurs first.

A health occupations board may issue a temporary license, certificate, or registration to an applicant who holds a valid license, certificate, or registration from a state where the requirements are not substantially equivalent to the State's requirements if (1) the license, certificate, or registration is for a limited period of time while the applicants completes the requirements to receive full licensure, certification, or registration in the State and (2) the issuance of a license, certificate, or registration does not pose a risk to public health, welfare, or safety.

A health occupations board may apply to the Secretary of Health for approval of an alternative process for issuing a license, certificate, or registration that does not meet the bill's specific requirements but allows service members, veterans, and military spouses to obtain a license, certificate, or registration in an expedited manner. If the Secretary of Health approves the alternative process, the health occupations board is considered to be in compliance with the bill.

Current Law: Twenty health occupations boards share responsibility for regulating various health professions in Maryland. **Exhibit 1** lists the health occupations boards within the Maryland Department of Health (MDH). With specified exceptions, an individual must be licensed, certified, or registered by the respective health occupations board before the individual may practice in the State. Licensure, certification, and registration requirements vary by profession but typically require, among other things, specified education and experience, passage of a national and/or State examination, and a criminal history records check.

Exhibit 1
Health Occupations Boards in the Maryland Department of Health

Acupuncture
Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
Chiropractic
Dental
Dietetic Practice
Environmental Health Specialists
Massage Therapy
Morticians and Funeral Directors
Nursing
Nursing Home Administrators
Occupational Therapy
Optometry
Pharmacy
Physical Therapy
Physicians
Podiatry
Professional Counselors and Therapists
Psychologists
Residential Child Care Program Professionals
Social Work

Source: Department of Legislative Services

Chapters 154 and 155 of 2013 (also known as the Veterans Full Employment Act of 2013) require health occupations boards to expedite the licensure, certification, or registration of a service member, veteran, or military spouse. The boards must also assign an advisor to assist the individual with the application process and provide specified information to assist in the licensing, certification, or registration process. MDH must also credit specified military training and education completed by a service member toward licensure or certification requirements.

If a service member, veteran, or military spouse meets the requirements for licensure, certification, or registration, each health occupations board must expedite the licensure, certification, or registration process and issue the credential within 15 days after receiving a completed application.

If a health occupations board determines that a service member, veteran, or military spouse does not meet the education, training, or experience requirements for licensure, certification, or registration, a representative of the board must assist the individual in identifying programs that offer relevant education or training or ways of obtaining needed experience.

Each health occupations board must publish information on its website related to the expedited licensing process and any related assistance and services provided by the board to service members, veterans, and military spouses.

In addition, each health occupations board may allow a licensee or certificate holder who is a member the U.S. Armed Forces deployed outside the United States or its territories to (1) renew the license or certificate after the expiration of the renewal period without payment of a penalty or reinstatement fee if the late renewal is a direct result of the deployment and (2) complete any continuing education or continuing professional competency requirements or criminal history records check required for licensure within a reasonable time after renewing the license or certificate.

State Expenditures:

Maryland Board of Physicians

The Maryland Board of Physicians (MBP) advises that it must hire two licensure analysts to implement the bill at an approximate cost of \$111,774 in fiscal 2022. In addition, MBP advises that an additional expenditures of \$125,000 in fiscal 2022 are necessary to update MBP's licensing system software. The Department of Legislative Services (DLS) disagrees.

MBP advises that, under the Veterans Full Employment Act, it currently prioritizes all applications for licensure from service members, veterans, and military spouses above all other applications despite when received. MBP further advises that applicants already have the option to expedite the initial licensing process by applying for licensure via reciprocity or by applying through the Interstate Medical Licensure Compact, which offers an expedited process for licensure to an applicant already licensed in a member state. There are currently 29 states (including Maryland) and the District of Columbia who participate in the Interstate Medical Licensure Compact. Moreover, MBP may apply to the Secretary of Health for approval of an alternative process that does not meet the bill's specified requirements but meets the goals of the bill to offer a license, certificate, or registration in an expedited manner. Thus, DLS advises that the bill's impact is absorbable as the bill likely affects a very small number of applicants and the board's process of prioritizing licensure for service members, veterans, and military spouses above all other applications

may qualify to be approved by the Secretary of Health as an “alternative process” under the bill.

Board of Nursing

The Board of Nursing (BON) advises that it must hire one administrative specialist to oversee the expedited issuance of temporary licenses, certificates, or registrations to specified applicants at an approximate cost of \$51,135 in fiscal 2022. BON also advises there may be additional expenditures beyond this amount to update the current information technology platform. DLS disagrees.

BON advises that it currently issues temporary licenses to service members, veterans, and military spouses under the Veterans Full Employment Act that are valid for 90 days and may be extended on a case-by-case basis. DLS also notes that the board currently participates in an interstate compact that can be used to expedite the licensure process for anyone who is moving to the State from another compact member state. The Nurse Licensure Compact currently has 34 states (including Maryland) that participate. Thus, DLS advises that the bill’s impact is absorbable as any of the specified applicants who live in a compact member state already have a path to expedited licensure, certification, or registration and BON’s current process of issuing temporary licenses for specified applicants may qualify for approval by the Secretary of Health as an “alternative process” under the bill.

Other Health Occupation Boards

MDH advises that, under the Veterans Full Employment Act, all applications for health occupations licensure, certification, or registration from service members, veterans, and military spouses are currently prioritized over all other applications, despite when received. MDH additionally advises that some boards already issue temporary licenses, while other boards do not. Moreover, any board may apply to the Secretary of Health for approval of an alternative process that meets the goals of the bill to offer a license, certificate, or registration in an expedited manner. Therefore, the impact is likely absorbable within existing budgeted resources due to the anticipated small number of applicants to which the bill applies, and the process of prioritizing licensure for service members, veterans, and military spouses above all other applications may qualify to be approved by the Secretary of Health as an “alternative process” under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1006 (Delegate Crosby) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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