

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 230

(Senator Jackson, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

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

This bill generally requires each health occupations board to issue an expedited temporary license, certificate, registration, or permit to a service member, veteran, or military spouse who meets specified requirements. The Maryland Department of Health (MDH) must: (1) by January 1, 2024 and annually thereafter, report on the processing of applications from service members, military spouses, and veterans, as specified, for the immediately preceding 12-month period; (2) publish prominently on the MDH website the information on each expedited licensing process and any assistance or other services available related to licensure, certification, or registration for service members, veterans, and military spouses; and (3) by June 1, 2023, report on the procedures developed by each health occupations board for issuing expedited temporary licenses, certificates, registrations, or permits to service members, veterans, or military spouses.

Fiscal Summary

State Effect: Each health occupations board can likely handle the bill's requirements with existing budgeted resources, as discussed below. MDH can likely publish specified information on its website and issue the required reports within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

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

- proof that the applicant is a service member, veteran, or military spouse, including documentation as specified;
- proof that the applicant has held a valid license, certificate, registration, or permit issued in another state for at least one year, and each valid license, certificate, registration, or permit issued in another state is (1) in good standing and (2) required substantially similar qualifications as the license, certificate, registration, or permit for which the applicant has applied, as determined by the health occupations board;
- 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 that the applicant has completed a national criminal history records check (CHRC) in accordance with regulations adopted by the health occupations board;
- proof that the applicant has submitted an application for full licensure, certification, registration, or permitting in the State; and
- payment of any application fee required by the respective health occupations board.

A temporary license, certificate, registration, or permit is valid for six months or until the date an applicant is granted or denied a specified credential, whichever occurs first.

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

The bill also clarifies when provisions of Title 7 of the Health Occupations Article apply for (1) the surviving spouse of a service member who died within three years (rather than one year under current law) before the date on which the application for a license, certificate, registration, or permit is submitted or (2) a veteran. Specified provisions of Title 7 apply for an application for a *full* license, certificate, or registration, while separate provisions apply for an application for a *temporary* license, certificate, registration, or permit.

The definition of “service member” is altered to include an individual who is an active-duty member of the *uniformed services*, as defined by 10 U.S.C §101 (rather than the armed forces of the United States). Uniformed services means the armed forces (Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard) and the commissioned corps of the National Oceanic and Atmospheric Administration and the Public Health Service.

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

Exhibit 1

Health Occupations Boards in the Maryland Department of Health

Acupuncture
Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists
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 CHRC 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 \$85,434 in fiscal 2023. In addition, MBP advises that additional expenditures of \$125,000 in fiscal 2023 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 33 states (including Maryland) and the District of Columbia that 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, registration, or permit 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 \$38,342 in fiscal 2023. BON also advises that 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 advised, for similar legislation of a previous year, 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: HB 1006 of 2021, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 938, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: HB 112 (Delegate Crosby) - Health and Government Operations.

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

Fiscal Note History: First Reader - January 18, 2022
fnu2/jc Third Reader - March 22, 2022
Revised - Amendment(s) - March 22, 2022

Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510