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**Maryland Senate
Senate Committee on Education, Health, and Environmental Affairs
11 Bladen Street Room 2 West Wing
Annapolis, MD**

**Senator Paul G. Pinsky
Chair**

**Remarks of
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Support of: SB 230 – Health Occupations - Service Members, Veterans, and Military Spouses - Temporary Licensure, Certification, Registration, and Permitting

Testimony

The Department of Defense is grateful for the opportunity to support policy changes proposed in Maryland Senate Bill 230, which addresses licensing issues affecting our service members and their families. This legislation would require health occupations boards to issue a temporary expedited license, certificate, or registration to a service member, veteran, or military spouse who meet certain requirements.

My name is Christopher Arnold. I am the northeast region liaison at the DoD-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

As part of these efforts, Maryland passed Chap 154 and 155, the "Veterans Full Employment Act of 2013," regarding Service member licensure and credit for military training and education as well as expediting military spouse license applications.¹ However, these methods proved insufficient to address the underlying concerns of military spouses.²

Senate Bill 230 echoes the historic 2020 military spouse legislation by Senate President Ferguson which eased application requirements for a service member, veteran, or military spouse

¹ Fiscal and Policy Note (House Bill 112). Department of Legislative Services, Maryland General Assembly. 2022 Session. https://mgaleg.maryland.gov/2022RS/fnotes/bil_0002/hb0112.pdf

² See *supra* at 1.

who applies for an occupational or professional license. The President’s bill, Chap 177, enacted revisions to reciprocity requirements for occupations and professions regulated by the Division of Occupational and Professional Licensing, removing the requirement for a substantial equivalency determination. This bill makes identical changes for occupations and professions governed by the Health Professional Licensing Boards.

In a letter to Governor Hogan accompanying the Secretary of Defense’s 2019 report on military spouse licensure, the Department noted that “*Current law requires boards to evaluate the substantial equivalency of the applicant’s application prior to issuing the temporary license, which likely requires the verifying documentation for the review. Limiting this requirement to issuance of the permanent license, or stipulating that the boards perform their initial due diligence using an application, and an affidavit, would limit the time and effort required of the military spouse applicant.*”³ While Chapter 177 addressed such recommendation, it did not apply to the health occupations.

Licensure issues for both our transitioning military members and their spouses have been a priority for the Department for several years. The issue is so important, the Secretary of Defense has made taking care of Service members and their families a fourth line of effort in the National Defense Strategy.⁴

The Department of Defense contracted with the Center for Research and Outreach (REACH) at the University of Minnesota, through the U.S. Department of Agriculture Cooperative Research, Education and Extension Service, to evaluate the outcome of DoD’s 2011 – 2016 efforts to improve license reciprocity for service members and military spouses.

The Center for REACH conducted a 50-State review of the laws enacted and an assessment of the approach taken by six occupational boards⁵ in each State to implement these laws. Its State-by-State evaluation provides a basis for evaluating the impact of these laws, and specific recommendations for Maryland included passage of “*legislation that provides support for temporary licenses for military spouses licensed in another state as most boards do not offer a temporary license option for spouses.*”⁶

The Military Spouse License Portability Assessment was launched by the Clearinghouse for Military Family Readiness at Pennsylvania State University in 2021 to inform Department of Defense policy makers of the amount of time it takes military spouses to obtain an occupational

³ Department of Defense. *Military Spouse Licensure: State Best Practices and Strategies for Achieving Reciprocity*. November 2019. <https://download.militaryonesource.mil/12038/MOS/Reports/military-spouse-licensure-report-2019.pdf>

⁴ United States Department of Defense, “DOD Amplifies Focus on People in Executing National Defense Strategy.” August 5, 2020. <https://www.defense.gov/News/News-Stories/Article/Article/2300553/dod-amplifies-focus-on-people-in-executing-national-defense-strategy/>

⁵ Six occupations reviewed: cosmetology, dental hygiene, massage therapy, mental health counseling, occupational therapy, and real estate.

⁶ Lynne M. Borden, PhD, Et al, “Military Spouse Licensure Portability Examination,” Center for Research and Outreach, University of Minnesota, <https://reachmilitaryfamilies.umn.edu/research/document/13865>

license when they have an inter-state relocation due to a Permanent Change of Station.⁷ Only one of the three health boards examined met the Department's baseline for military spouses to begin working within thirty days, and one board took over thirty days to process a license.⁸ Their recommendations echoed the prior findings.

The Secretaries of the Military Departments have made the importance of military spouse licensure explicitly clear as they consider the availability of license reciprocity when evaluating future basing or mission alternatives.

In 2018, the secretaries of the Army, Navy and Air force issued a policy memorandum to the National Governor's Association noting they will consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.⁹

This consideration was codified by Congress as a requirement in the 2020 National Defense Authorization Act.¹⁰ Notably, NDAA §2883(h) requires the Department and each of the military

⁷ "Military Spouse License Portability Assessment." Clearinghouse for Military Family Readiness.

<https://militaryfamilies.psu.edu/mslp/>

⁸ "Maryland." Clearinghouse for Military Family Readiness. https://militaryfamilies.psu.edu/wp-content/uploads/2021/11/mslp/state-findings/mslp_maryland.pdf

⁹ United States Department of Defense, "Service secretaries say quality of schools, reciprocity of licenses should be considered in future basing decisions." February 23, 2018.

<https://www.defense.gov/News/Releases/Release/Article/1449706/service-secretaries-say-quality-of-schools-reciprocity-of-licenses-should-be-co/>

¹⁰ **2883. Consideration of certain military family readiness issues in making basing decisions associated with certain military units and major headquarters**

(a) Taking into consideration military family readiness issues

In determining whether to proceed with any basing decision associated with a covered military unit or major headquarters in the United States after the date of the enactment of this Act, the Secretary of the military department concerned shall take into account, among such other factors as that Secretary considers appropriate, the military family readiness considerations specified in this section, including those military family readiness considerations specified pursuant to subsection (e).

(b) Interstate portability of licensure and certification credentials

With regard to the State in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which the State—

(1) has entered into reciprocity agreements to recognize and accept professional and occupational licensure and certification credentials granted by or in other States; or

(2) allows for the transfer of such licenses and certifications granted by or in other States.

(c) Housing

With regard to the military housing area in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which housing (including military family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in such military housing area.

(d) Health care

With regard to the community in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which primary healthcare and specialty healthcare is available and accessible to dependents, including dependents with disabilities, of members of the Armed Forces through the private sector in such local community.

services to produce annual basing decision scorecards at the state and installation level considering military family readiness issues, including interstate portability of licensure credentials.¹¹

The secretaries must further consider “*whether the State in which an installation subject to a basing decision is or will be located ... has entered into reciprocity agreements to recognize and accept professional and occupational licensure and certification credentials granted by or in*

(e) Other specified considerations

The Secretary of the military department concerned shall take into account such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of compliance with this section.

(f) Savings clause

Nothing in this section shall be construed as requiring the Secretary of a military department to make a basing decision covered by subsection (a) that the Secretary determines would diminish military readiness or impede military mission for the purpose of military family readiness.

(g) Analytical framework

The Secretary of the military department concerned shall take into account the considerations specified in this section, among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision covered by subsection (a) using an analytical framework developed by that Secretary that uses criteria based on—

- (1) quantitative data available within the Department of Defense; and
- (2) such reliable quantitative data from sources outside the Department as the Secretary considers appropriate.

(h) Basing decision scorecard

(1) Scorecard required

The Secretary of the military department concerned shall establish a scorecard for military installations under the jurisdiction of such Secretary, and for States and localities in which such installations are or may be located, to facilitate taking into account the considerations specified in this section whenever that Secretary makes a basing decision covered by subsection (a).

(2) Update

The Secretary of the military department concerned shall update the scorecard established by that Secretary under this subsection not less frequently than once each year in order to keep the information in such scorecard as current as is practicable.

(3) Availability to public

A current version of each scorecard established under this subsection shall be available to the public through an Internet website of the military department concerned that is accessible to the public.

(i) Briefings

Not later than April 1 of each of 2021, 2022, and 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on actions taken pursuant to this section, including a description and assessment of the effect of the taking into account of the considerations specified in this section on particular basing decisions in the United States during the one-year period ending on the date of the briefing.

(j) Definitions

In this section:

- (1) The term covered military unit means a unit of the Armed Forces whose initial assignment to a military installation or relocation from a military installation to a different military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- (2) The term major headquarters means the headquarters of a unit of the Armed Forces or command that is the appropriate command of a general officer or flag officer.

¹¹ Id. (h)

*other States or allows for the transfer of such licenses and certifications granted by or in other States.”*¹²

The best evidence we have about the quality benefits of licensure appertain to occupations that are universally licensed, which tend to have more harmonized standards across states, although licensing requirements can “raise the price of goods and services, restrict employment opportunities, and make it more difficult for workers to take their skills across State lines.”¹³ Where we do not have strong evidence, however, is to suggest that the type of licensure recognition regime proposed in Senate Bill 230, to provide a temporary license upon submission of an affidavit, is associated with worse quality or worse care outcomes.¹⁴

In an effort to address retention and family readiness issues, the Department of the Air Force launched its Support of Military Families program, focused on evaluating public education occupational license portability.¹⁵ The 2021 assessment details how states provide support to Air and Space Force families. Maryland was evaluated as “Amber” for seven of the nine occupations considered.¹⁶

A 2015 report by the Maryland Military Department found the largest 15 installations in the Old Line State support 410,219 jobs and generated \$20.5 billion in defense spending, or, roughly 5.7% of State GDP.¹⁷

Professional licensure has been an enduring problem for military spouses. Obtaining a license in a new State can be both time consuming and expensive, and military spouses often cannot adequately anticipate how to prepare for licensure in a new State due to the unpredictable nature of military moves. The short duration of military assignments, coupled with lengthy relicensing processes, can discourage military spouses from seeking relicensure, causing them to quit an occupation or causing military families to leave the military.

Complicating matters further, terms including “expedited” and “reciprocity” are used differently among the States. The continuum of reciprocity related programs is represented graphically below. The continuum goes from red, representing little to no portability, to dark green, representing the DoD’s optimum state of full reciprocity.

¹² *Id.* (b)

¹³ *Occupational Licensing: A Framework for Policymakers*. The White House (Archive). Report prepared by the Department of the Treasury Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor. July 2015.

https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf

¹⁴ *Ibid.*

¹⁵ Support of Military Families Program Overview. Department of the Air Force. September 9, 2021.

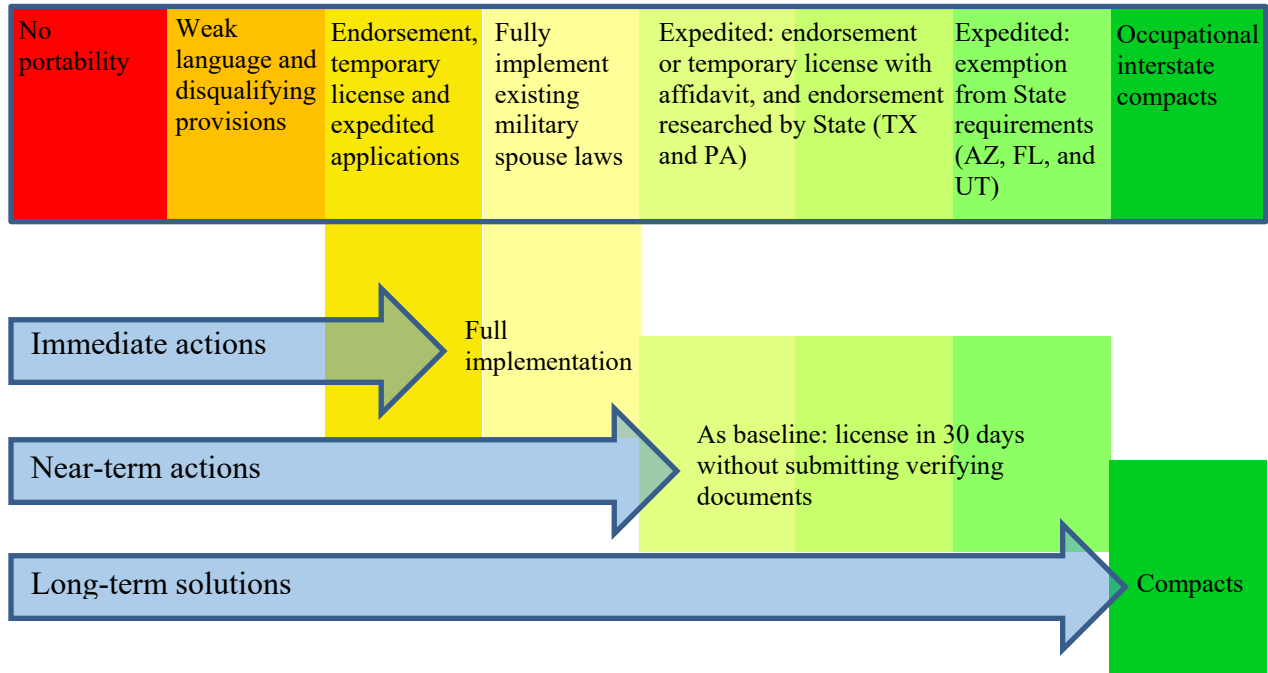
https://www.af.mil/Portals/1/documents/2021SAF/09_Sept/2021_Support_of_Military_Families_Support_Material.pdf

¹⁶ Support of Military Families 2021. Department of the Air Force.

https://www.af.mil/Portals/1/documents/2021SAF/09_Sept/External_CASH_single_map_file_v4.2.pdf

¹⁷ Department of Defense. *Military Spouse Licensure: State Best Practices and Strategies for Achieving Reciprocity*. November 2019. Retrieved from <https://download.militaryonesource.mil/12038/MOS/Reports/military-spouse-licensure-report-2019.pdf>

Understanding that military spouses need assistance now, and that many States have already committed to a variety of approaches, the Department advocates that States should pursue multiple approaches to reciprocity simultaneously. Available alternatives can be categorized as being more immediately attainable, achievable within the near-term, or obtainable in the long-term:



The Department encourages States to engage in immediate actions to fully implement military spouse licensure laws, near-term actions to at least attain a baseline of getting military spouses a license in 30 days based on minimal documentation, and removing substantially equivalent language; and long-term solutions for reciprocity through compacts. How fast these actions and solutions can be approved and implemented is up to the States. The Department’s current evaluation of states, validated through the 2021 study conducted by Penn State University, indicates approximately 60 percent of states have achieved DoD criteria.¹⁸

Military spouses are a cross-section of the American population, although a greater percentage of them are in licensed occupations than their civilian counterparts,¹⁹ and they are significantly more mobile.²⁰ Frequent moves and cumbersome licensing and certification requirements limit career options for military spouses. Removing these barriers, creating reciprocity in licensing requirements, and facilitating placement opportunities can help a military family’s financial

¹⁸ See *supra* at 7.

¹⁹ 34 percent of active duty spouses self-identified as needing a State issued license to work (2017 Survey of Active Duty (Active Component) Spouses, Tabulations of Responses; Office of People Analytics Report No. 2018-006, May 2018), compared to 30 percent of the civilian population (The Hamilton Project, Brookings Institute, https://www.hamiltonproject.org/charts/percent_of_occupations_requiring_a_license_by_state)

²⁰ “Military spouses are 10 times more likely to move across State lines than their civilian counterparts,” “Supporting Our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines,” U.S. Department of Treasury and U.S. Department of Defense, February 2012, page 7.

stability, speed the assimilation of the family into its new location, and create a desirable new employee pool for a state.

In closing, we are grateful for the tremendous efforts that Maryland has historically made to support our uniformed service members and their families. We appreciate the opportunity to support the passage of the policies reflected in Senate Bill 230 and are especially grateful to Senator Jackson for introducing this important piece of legislation.

As always, as liaison to the northeast region, I stand ready to answer whatever questions you may have.

Yours etc.,

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