

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 44 (Senator Currie)
Education, Health, and Environmental Affairs

Occupational and Professional Licensing - Military Training and Military Spouses

This bill requires the issuance of licenses, registrations, permits, and certificates by specified occupational licensing boards to military personnel and their spouses if specified conditions are met. The bill does not prohibit an applicant who meets the requirements for licensure under the bill from applying for an occupational or professional license, certificate, permit, or registration under any other provision of law.

Fiscal Summary

State Effect: In general, the affected agencies and boards can implement the bill with existing budgeted resources. General and/or special fund revenues increase minimally beginning in FY 2014 for the Department of Labor, Licensing, and Regulation (DLLR); the Department of Health and Mental Hygiene (DHMH); the Maryland Department of Agriculture (MDA); the Maryland Department of the Environment (MDE); the Department of State Police (DSP); and the Maryland Department of Transportation (MDOT) from additional licenses, certificates, permits, and registrations issued to individuals under the bill.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Occupational licensing board” means a unit responsible for issuing an occupational or professional license, certificate, permit, or registration (“license”) that is required for an individual to practice an occupation or profession in the State. It includes

a unit authorized under the Agriculture, Business Regulation, Business Occupations and Professions, Environment, Health Occupations, Public Safety, and Transportation articles. It does not include the State Board of Law Examiners.

Notwithstanding any other provision of law, an occupational licensing board must issue a license, as appropriate, to an applicant to practice an occupation or profession in the State if the applicant:

- has completed a military program of training, been awarded a military occupational specialty, and performed that specialty at a level that is substantially equivalent to or exceeds the requirements of the board;
- has engaged in the active practice of the occupation or profession for at least two of the five years immediately preceding the date of the application;
- has not committed any act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license; and
- pays any fees required by the board.

Or, if the applicant is a military spouse:

- holds a current license from another jurisdiction and that jurisdiction's requirements are substantially equivalent to or exceed the requirements of the board;
- can demonstrate competency in the occupation or profession in a method determined by the board;
- has not committed any act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license;
- is in good standing with and has not been disciplined by the unit from the jurisdiction in which the applicant holds a current license; and
- pays any fees required by the board.

An occupational licensing board must consider full-time and part-time experience, both paid and unpaid, when calculating the years of experience or assessing applicant competency in the occupation or profession. An occupational licensing board may issue a temporary license to an applicant who is licensed in another jurisdiction while the applicant is in the process of satisfying the other application requirements for licensure under the bill; however, the board may only do so if the licensing requirements in the other jurisdiction are substantially equivalent to or exceed the requirements of the board.

Each occupational licensing board must adopt regulations necessary to implement the bill. The bill does not prohibit an applicant who meets the requirements for licensure

under the bill from applying for an occupational or professional license under any other provision of law.

Current Law/Background:

Occupational and Professional Licensing Boards

There are 24 occupational and professional licensing boards, offices, commissions, units, and other licensing structures administered through the Division of Occupational and Professional Licensing in DLLR, representing most of the State's nonhealth licensing boards. Collectively, the units regulate more than 226,000 individuals. **Exhibit 1** lists the licensing boards and the number of individuals who held licenses in fiscal 2012. In general, these boards administer tests, issue licenses, investigate complaints, and have disciplinary authority over licensees to protect both the consuming public and the integrity of the profession.

Health Occupations Boards

Under the Office of the Secretary of Health and Mental Hygiene, 19 health occupations boards regulate and discipline more than 423,000 individual health care professionals. The boards seek to protect the public by ensuring that practicing health professionals are properly credentialed and licensed to provide high-quality services to the citizens of Maryland. Each board also receives, investigates, and resolves complaints about regulated professionals and assists in establishing parameters for the practice of each regulated health profession. **Exhibit 2** shows the total number of active licensees and certificate holders regulated by each board in fiscal 2012.

Exhibit 1
Licensing Activity of Occupational and Professional
Licensing Boards and Commissions in DLLR
Fiscal 2012

Architects	6,496
Athletics	557
Barbers	6,357
Cemeteries	1,211
Certified Interior Designers	330
Cosmetologists	48,475
Elevator Safety	598
Foresters	203
Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors	19,630
Home Improvement	27,026
Individual Tax Preparers	3,545
Landscape Architects	1,028
Locksmiths	45
Master Electricians	5,157
Pilots	72
Plumbing	13,261
Professional Engineers	22,955
Professional Land Surveyors	1,043
Public Accountancy	20,192
Real Estate	38,161
Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors	3,599
Secondhand Precious Metal Object Dealers and Pawnbrokers	641
Sports Agents	28
Stationary Engineers	5,854
Total	226,464

Source: Department of Labor, Licensing, and Regulation

Exhibit 2
Total Number of Active Licensees and Certificate Holders
Regulated by the Health Occupations Boards in DHMH
Fiscal 2012

Acupuncture	939
Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists	4,235
Chiropractic and Massage Therapy Examiners	5,129
Dental Examiners	15,371
Dietetic Practice	1,588
Environmental Health Specialists ¹	680
Morticians and Funeral Directors	1,368
Nursing	291,091
Nursing Home Administrators	539
Occupational Therapy	3,069
Optometry	904
Pharmacy	20,014
Physical Therapy Examiners	13,234
Physicians (including allied health practitioners)	41,495
Podiatric Medical Examiners	466
Professional Counselors and Therapists	5,146
Psychologists	4,906
Residential Child Care Professionals	148
Social Workers	13,054
Total	423,376

¹Formerly the State Board of Environmental Sanitarians, transferred from the Maryland Department of the Environment to the Department of Health and Mental Hygiene effective July 1, 2012. Number of active licensees and certificate holders is estimated.

Source: Governor's Budget Books, FY 2014; Department of Legislative Services

Division of Financial Regulation

The Office of the Commissioner of Financial Regulation, located within DLLR's Division of Financial Regulation, is responsible, primarily under the Financial Institutions Article, for licensing and regulating mortgage lenders, brokers, servicers and originators, sales finance companies, consumer loan companies, money transmitters, check cashers, installment loan lenders, credit reporting agencies, consumer debt collection agencies, and debt management service providers. (Consumer debt collection agencies are regulated under the Business Regulation Article.) Mortgage lenders and loan originators are subject to minimum licensing standards imposed by the federal Secure and Fair Enforcement Mortgage Licensing Act.

Maryland Department of Agriculture

A person may not practice veterinary medicine unless he or she is licensed, registered, and authorized to engage in the practice under State law. The State Board of Veterinary Medical examiners in MDA licenses veterinarians in the State. As of 2009, the board regulated just over 2,400 veterinarians, just over 500 veterinary hospitals, and approximately 315 registered veterinary technicians. Veterinarians and veterinary hospitals must be licensed by the board. Veterinarians must also register annually with the board. A person may register with the board as a veterinary technician.

To become licensed as a veterinarian in the State, an applicant has to submit a diploma or transcript from a veterinary medical school, a recent North American Veterinary Licensing Examination score (within five years of taking the exam), an application fee, and a complete application. Applicants licensed in another state, or in a foreign jurisdiction, who graduated from an American Veterinary Medical Association-accredited school, and whose licensing examination scores are more than five years old, may also qualify for licensure by meeting clinical experience requirements (in place of retaking the national licensing examination).

Each pest control consultant, pest control applicator, or public agency applicator must obtain an annual certificate indicating competence in one or more established categories from the Secretary of Agriculture. Private applicators also must obtain a certificate, but the certificate is valid for three years before it must be renewed. Applicants must pass an examination, and MDA regulations require pest control consultants, pest control applicators, and public agency applicators to have certain experience and/or education.

Maryland Department of the Environment

The Board of Waterworks and Waste Systems in MDE certifies individuals as an operator, industrial operator, or superintendent at a waterworks, wastewater works, or industrial wastewater works. The Board of Well Drillers licenses three categories of well drillers in the State: well driller general, well driller-geotechnical, and well driller-water supply. The board also issues three categories of restricted licenses: water conditioner installer, water pump installer, and well rig operator. MDE also licenses marine contractors through the Marine Contractors Licensing Board.

Department of State Police

The Office of the State Fire Marshal within DSP issues licenses for nongovernmental electrical inspectors, fire extinguisher sales and service vendors, nonwater based extinguishing systems sales and service vendors, and sprinkler contractors. DSP also issues licenses for private detectives and security systems technicians.

Maryland Department of Transportation

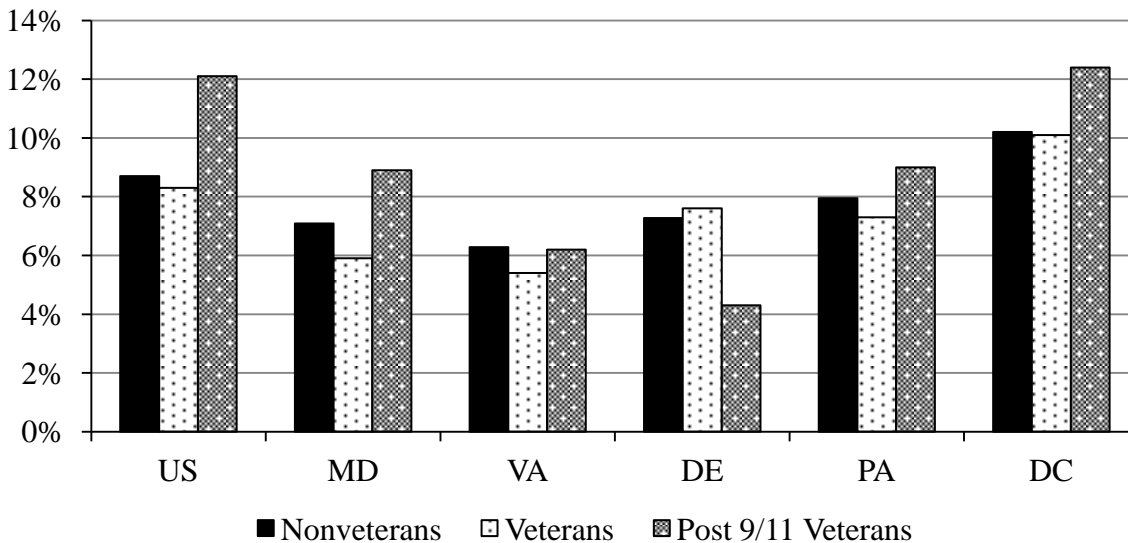
The Motor Vehicle Administration within MDOT licenses vehicle salesmen and dealers, automotive dismantlers and scrap recyclers, driver’s schools, and driving instructors.

Maryland Veterans

According to the U.S. Bureau of Labor Statistics, the national unemployment rate for veterans in 2012 was 7%, lower than the 7.9% rate for nonveterans. The unemployment rate for veterans who served on active duty in the U.S. Armed Forces at any time since September 2001 – a group referred to as Post 9/11 veterans – was 9.9% in 2012. Post 9/11 veterans are younger and have less education than other veterans. The unemployment rate among young male Post 9/11 veterans was 29.1% in 2011, compared with an unemployment rate of 17.6% for nonveterans of the same age.

In Maryland there were 238,000 veterans in the labor force in 2011, about 8% of the total labor force. Of these veterans, 14,000 were unemployed, an unemployment rate of 5.9% compared with a 7.1% unemployment rate for nonveterans. The unemployment rate for Post 9/11 veterans, however, was 8.9%. **Exhibit 3** shows the unemployment rate by veteran status in 2011 for Maryland, the United States, and surrounding states.

Exhibit 3
State Unemployment Rates by Veteran Status
Calendar 2011



Sources: U.S. Bureau of Labor Statistics; U.S. Congress Joint Economic Committee

State Fiscal Effect: In general, the affected agencies and boards can implement the bill with existing budgeted resources. General and/or special fund revenues increase minimally beginning in fiscal 2014 for DLLR, DHMH, MDA, MDE, DSP, and MDOT from additional licenses, certificates, permits, and registrations issued to individuals under the bill.

The Division of Occupational and Professional Licensing in DLLR expects that several boards will receive applications for licensure under the bill; however, the division anticipates no more than 200 additional applications for licensure annually. Based on this assumption, general and/or special fund revenues for DLLR increase minimally beginning in fiscal 2014. Assuming no more than 200 additional annual applications under the bill, there is no operational impact on the division.

Division staff will prioritize and expedite the processing of applications received. Staff has experience conducting research on other state's licensing requirements. The division intends to process expedited applications received under the bill in order to issue standard, rather than temporary, licenses. If there are cases where a temporary license is needed, the division intends to use a paper application process to avoid information technology programming costs. If the volume of applications exceeds expectations, general fund expenditures for DLLR could exceed \$50,000 to create new electronic license categories.

Additional Comments: As drafted, the bill applies to any unit in State government that issues an occupational license, certificate, permit, etc. (except the State Board of Law Examiners, which is specifically excluded). This may include, for example, teachers, principals, and other school personnel certified under the Education Article; mortgage brokers and other individuals certified under the Financial Institutions Article (as noted earlier); and child care providers and others accredited or certified under the Human Services Article. Other licenses issued under the Business Regulation Article include employment agencies, petroleum transporters, horse racing, cigarette businesses, peddlers, dry cleaners, outdoor music festival promoters, and trading stamp issuers. Additional licenses issued, under the bill, to practice these occupations is unlikely.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Maryland Department of the Environment; Department of Health and Mental Hygiene; Department of Labor,

Licensing, and Regulation; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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mlm/rhh

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