

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

Senate Bill 78
Finance

(Senator Jackson)

**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 June 1, 2024, 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; (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 January 1, 2025, and annually thereafter, report to the General Assembly on the processing of applications from service members, military spouses, and veterans, as specified, for the immediately preceding 12-month period.

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 must be considered to be 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
Long-Term Care Administrators (formerly Nursing Home Administrators)
Massage Therapy
Morticians and Funeral Directors
Nursing
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, pursuant to the Veterans Full Employment Act, it currently prioritizes all applications for licensure from service members, veterans, and military spouses above all other applications regardless of when received. Accordingly, MBP advises that the bill's impact is absorbable within existing budgeted resources, unless the Secretary of Health does not approve MBP's process of prioritizing licensure for service members, veterans, and military spouses above all other applications as an "alternative process." If the Secretary does not approve MBP's

alternative process, MBP advises that it will have to hire two licensure analysts to implement the bill at an approximate cost of \$97,220 in fiscal 2024. In addition, MBP advises that additional expenditures of \$125,000 in fiscal 2024 would be necessary to update MBP's licensing system software and web-based practitioner profile platform to enable the issuance of temporary licenses.

Besides already prioritizing applications for licensure from service members, veterans, and military spouses, MBP advises that applicants also have the option for expedited licensure via reciprocity, endorsement, or through the Interstate Medical Licensure Compact. The Interstate Medical Licensure Compact, which offers an expedited process for licensure to an applicant already licensed in a member state, consists of 37 participating states (including Maryland) and the District of Columbia.

Thus, the Department of Legislative Services (DLS) advises that MBP can likely absorb the bill's impact as the number of applicants is expected to be small and MBP's process of prioritizing licensure for service members, veterans, and military spouses above all other applications may qualify for approval by the Secretary of Health as an alternative process under the bill.

Maryland Board of Nursing

The Maryland Board of Nursing (MBON) advises that it must hire one full-time, contractual administrative specialist at an approximate cost of \$45,390 in fiscal 2024 to oversee the expedited issuance of temporary licenses, certificates, or registrations to military affiliated individuals. MBON further advises that an additional one-time expenditure of \$150,000 in fiscal 2024 is required to upgrade MBON's information technology platform to include a prominent check-off box for military affiliated individuals on applications and ensure that the board can adequately track the issuance of temporary licenses, certificates, and registrations.

MBON 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 up to 90 additional days on a case-by-case basis. DLS also notes that MBON 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 37 states (including Maryland) that participate. Thus, DLS advises that the bill's impact is likely absorbable by MBON as any of the specified applicants who live in a compact member state already have a path to expedited licensure, certification, or registration, and MBON'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.

Maryland Board of Pharmacy

The Maryland Board of Pharmacy (MBOP) advises that it must hire one part-time (50%) military licensing specialist at an approximate cost of \$43,121 in fiscal 2024 to handle the processing of applications for temporary licenses, certificates, and registrations. MBOP, which advises that its current processing time for applications for full licensure is 48 hours, does not currently issue temporary licenses, certificates, or registrations.

MBOP advises that, consistent with the Veterans Full Employment Act, it already includes a section for veterans, service members, and military spouses to identify themselves on its applications. According to MBOP, the bill's requirement that it must accept applications for temporary licenses, certifications, and registrations could increase the number of forms its licensing specialist has to process by a significant amount – particularly since Maryland is home to 11 military bases. DLS notes, however, that even if MBOP's processing time for applications doubled to 96 hours, MBOP would still be able to expeditiously issue licenses, certifications, and registrations. DLS also notes that MBOP could apply to the Secretary of Health for approval of an alternative process through which service members, veterans, and military spouses could obtain a license, certificate, or registration from the board in an expedited manner. Since MBOP's applications already include a section for those individuals to identify themselves, MBOP could seek approval to prioritize licensure for service members, veterans, and military spouses above all other applications and, if approved by the Secretary of Health, could forego offering applications for temporary licensure. For the reasons stated above, DLS advises that MBOP can likely handle the bill's requirements with existing resources.

Other Health Occupation Boards

MDH advised, for similar legislation in 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 budget resources due to the anticipated small number of applicants to which the bill applies, and because the process of prioritizing licensure for service members, veterans, and military spouses above all other applications may qualify, subject to approval from the Secretary of Health, as an alternative process under the bill.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 230 and HB 112 of 2022 and SB 938 and HB 1006 of 2021.

Designated Cross File: None.

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

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