

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 277

(Senator Simonaire, *et al.*)

Finance and Education, Energy, and the
Environment

Health and Government Operations

Health Equality for Service Members Act

This bill generally establishes uniform definitions related to the military in the General Provisions, Health-General, Health Occupations, Housing and Community Development, and State Government Articles of the Maryland Code, primarily by reference to definitions in the U.S. Code. While numerous alterations within the bill represent only stylistic or technical changes, there are substantive changes. These changes generally make certain provisions applicable to all members of the *uniformed services*, thereby expanding eligibility for certain privileges, benefits, and disciplinary procedures (e.g., expedited health occupations licensing, fee exemptions for vital records, continued eligibility for certain waiver programs, punishment for license violations, etc.).

Fiscal Summary

State Effect: Since it is assumed that this bill applies in a limited number of cases, State finances are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Definitions

The bill adds the definition of several military terms to the State Government Article (specifically, § 9-901). This includes the definition of “military family” as well as all terms found in **Exhibit 1** below. “Military family” includes the spouse and dependent children of a service member or veteran related by blood, marriage, or adoption.

Exhibit 1
Repeated Military Definitions Added to State Government § 9-901

<u>Term</u>	<u>U.S. Code Reference</u>	<u>Definition</u>
Active duty	37 U.S.C. § 101	Full-time duty in the active service of a uniformed service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or the relevant Secretary
Active service member	n/a	An individual who is (1) an active-duty member of the uniformed services or (2) serving in a reserve component of the uniformed services on active-duty orders
Armed forces	10 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard
Reserve component	37 U.S.C. § 101	The Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service
Service member	n/a	An individual who is a member of (1) the uniformed services or (2) a reserve component of the uniformed services
Uniformed services	37 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service
Veteran	38 U.S.C. § 101	A person who served in the active military, naval, air, or space service, and who was discharged or released under nondishonorable conditions

n/a: not applicable

Source: Department of Legislative Services

Expanded Eligibility for Privileges, Benefits, and Disciplinary Procedures

In General: Numerous provisions within the Health-General, Health-Occupations, and Housing and Community Development Articles explicitly extend certain benefits or privileges to *members of the armed forces or the military*. Other provisions extend benefits or privileges to *service members*; however, the applicable definitions for “service members” refer only to active-duty members of the armed forces, a reserve component of the armed forces, or the National Guard of any state. The bill expands certain provisions to apply more broadly.

Vital Records: For instance, under current law, the Maryland Department of Health (MDH) collects a \$10 or \$12 fee to access copies of vital records, including birth and death certificates and marriage and divorce records, among other documents. MDH may not collect a fee for a copy of a vital record issued to a current or former member of the *armed forces of the United States* (or the surviving spouse or child of the member). The bill substitutes the term “*uniformed services*,” thereby extending that privilege to a current or former member of the Public Health Service (PHS) or the National Oceanic and Atmospheric Administration (NOAA).

Waitlist and Eligibility for Services: Also under current law, a dependent of a legal resident of the State who is eligible to receive services from the Developmental Disabilities Administration (DDA) retains eligibility regardless of whether the legal resident leaves the State due to *military* assignment elsewhere. If a dependent is on a waitlist for DDA services while the legal resident is outside of the State for *military* assignment, DDA must allow the dependent to remain on the waitlist. If a dependent resides with the legal resident while outside of the State for *military* assignment, DDA must reinstate services on the dependent’s return to Maryland and if a request for services is made. The bill substitutes the term “*military*” with “*uniformed services*,” thereby ensuring dependents of those on assignment with PHS and NOAA retain eligibility for (and receive reinstated) services.

Occupational Licensing: Among other provisions, 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 and allow the renewal of a 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. In the applicable provisions, however, “service member” is limited to active-duty members of the *armed forces*, a reserve component of the *armed forces*, or the National Guard. The bill repeals this definition, instead using the definition of “active

service member" (as specified above), which includes members of the uniformed services (and the reserve components). Related definitions and terms are also altered, thereby extending these licensing privileges to active service members of PHS and NOAA (as well as eligible spouses and veterans, as applicable). The bill also makes conforming changes to provisions regarding the publishing of information on the website of each health occupations board and recommended courses for continuing education.

Discipline of Nurses, Nursing Assistants, Electrologists, Midwives, Dialysis Technicians, and Medication Technicians: Under current law, the State Board of Nursing (MBON) may deny a certificate/license (credential), reprimand any credential holder, place any credential holder on probation, or suspend or revoke a credential if the applicant, licensee, or certificate holder is disciplined or convicted by a licensing, *military*, or disciplinary authority or court in any state or country for an act that would be grounds for action under MBON's disciplinary statutes. The bill alters this provision, establishing that MBON can take the aforementioned actions if that individual is disciplined by a licensing or disciplinary authority of any state or country, convicted or disciplined by a court of any state or country, *or disciplined by any branch of the uniformed services or the U.S. Department of Veterans Affairs* for an act that would be grounds for disciplinary action under MBON's disciplinary statutes. This change, therefore, explicitly incorporates violations that occur while an individual is serving in PHS or NOAA into existing disciplinary practices. This conforms MBON to existing statute under several other health occupations boards, including the State Board of Physicians, State Board of Examiners of Psychologists, and State Board of Physical Therapy Examiners.

Optometry Practitioners: Under current law, the State Board of Examiners in Optometry may waive the requirement of practicing optometry actively for an applicant who was a military optometrist for three years. The bill expands the waived requirement to *uniformed services* optometrists, thereby ensuring the inclusion of PHS and NOAA.

Health Care Facilities: Under Part II of the Health Care Planning and Systems Regulation Subtitle, for purposes of providing an exception to the requirement for a certificate of need, the definition of "health care facility" does not include a facility to provide comprehensive care that restricts admissions to individuals who meet the residency requirements established by the Department of Veterans and Military Families and are (1) veterans who were discharged or released from the *armed forces of the United States* under honorable conditions; (2) former members of a reserve component of the *armed forces of the United States*; or (3) nonveteran spouses of eligible veterans. The bill repeals references to the "*armed forces*." The bill's changes thereby explicitly incorporate veterans of PHS and NOAA, as well as former members of the Reserve Corps of PHS.

Other Changes: The bill alters several other provisions that confer certain benefits and rights to members of the armed services or the military. In general, as noted above,

substituting “uniformed services” and/or incorporating the definition of “service member” reflected in Exhibit 1, definitively includes PHS and NOAA. This substitution occurs for the following provisions:

- documentation of veteran status in certain medical records;
- authorization to direct disposition of a decedent;
- the Sheila E. Hixson Behavioral Health Services Matching Grant Program for Service Members and Veterans and other behavioral health services;
- inclusion on the registry/eligibility for certain waiver services administered by the Medicaid program in MDH;
- inclusion on the registry/eligibility for the Medicaid program Autism Waiver administered by the Maryland State Department of Education;
- informal kinship care arrangements;
- prioritization for vouchers and housing assistance payments; and
- the Post-Traumatic Stress Disorder and Traumatic Brain Injury Fund (the bill’s changes limit applicability to veterans with a nondishonorable discharge).

State Fiscal Effect: Although the changes in the bill expand access to various State benefits and privileges to certain members (or former members) of PHS and NOAA (including reserve components, as applicable), these changes represent a small number of people.

In January 2020, the latest date for which information is readily available, there were an estimated 2,200 PHS officers living in Maryland, with about 1,500 on active duty and 700 retired. As of September 2024, there are 53 NOAA officers in the State, and as of January 2025, about 6,000 National Guard members in Maryland. Compared to the 321,000 veterans living in Maryland who are already covered by these programs, this change is very small and can be absorbed by any affected agency’s existing funds.

Additional Comments: Under additional definitions under 38 U.S.C. § 101, “active military, naval, air, or space service” includes full-time duty in a reserve component of the armed forces, full-time duty as a commissioned officer of the Regular or Reserve Corps of PHS or commissioned officer corps of NOAA, and service as a cadet or midshipman at a service academy (Military, Air Force, Coast Guard, or Naval academies).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 466 (Delegate Kipke, *et al.*) - Health and Government Operations.

Information Source(s): Governor's Office of Small, Minority, and Women Business Affairs; Maryland Association of County Health Officers; Department of Commerce; Department of Budget and Management; Maryland Department of the Environment; Maryland Department of Health; Department of Housing and Community Development; Maryland Department of Labor; Department of Natural Resources; Maryland Department of Transportation; Department of Veterans and Military Families; Department of Legislative Services

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