

Date of Hearing:

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 225 (Gray) – As Introduced January 11, 2021

SUBJECT: Department of Consumer Affairs: boards: veterans: military spouses: licenses.

SUMMARY: Expands the duration of temporary licenses currently issued by licensing boards to spouses and partners of active duty members of the military who are actively licensed in another state, and requires all boards that do not offer those temporary licenses to instead issue a full permanent license to any military spouse or partner, or any honorably discharged veteran, who is actively licensed in another state and who submit a signed affidavit stating that they meet all the requirements for licensure to the best of their knowledge.

EXISTING LAW:

- 1) Establishes the Department of Consumer Affairs (DCA) within the Business, Consumer Services, and Housing Agency. (Business and Professions Code (BPC) § 100)
- 2) Requires that any licensee or registrant of any board, commission, or bureau within the DCA whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces, may, upon application, reinstate their license or registration without examination or penalty. (BPC § 114)
- 3) Requires every board within the DCA to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard. (BPC § 114.3)
- 4) Requires every board within the DCA to inquire in its license applications if the applicant is serving in, or has previously served in, the military, and if a board's governing law authorizes veterans to apply military experience and training towards licensure requirements, to post information on the board's website about the ability of veteran applicants to apply military experience and training towards licensure requirements. (BPC § 114.5)
- 5) Requires a board under the DCA to expedite, and states that the board may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. (BPC § 115.4)
- 6) Requires a board under the DCA to expedite the licensure process for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders; and who holds a current license in another state, district, or territory of the United States in the profession or vocation for which they are seeking a license from the board. (BPC § 115.5)
- 7) Requires seven boards within the DCA to grant temporary licenses to applicants who are married to, or in a domestic partnership or other legal union with, an active duty member of

the Armed Forces and who holds a current, active, and unrestricted license in another state. (BPC § 115.6)

THIS BILL:

- 1) Extends the expiration date for temporary licenses currently offered by boards within the DCA to military spouses and partners from twelve months after issuance to thirty months after issuance.
- 2) Requires boards within the DCA that do not currently grant temporary licenses to active duty military spouses and partners to issue licenses to applicants that meet all of the following requirements:
 - a) The applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.
 - b) The applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a license from the board.
 - c) The applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for the license and that the information submitted in the application is accurate, to the best of the applicant's knowledge; this application must also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.
 - d) The applicant has not committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed.
 - e) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.
 - f) The applicant, upon request by a board, has furnished a full set of fingerprints for purposes of conducting a criminal background check.
- 3) Authorizes boards to adopt regulations necessary to administer the provisions of the bill.

FISCAL EFFECT: Unknown; this bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author:

“California routinely lags other states in our treatment and accommodation of veterans and their families despite being home to more veterans than any other state. The US Department of Labor ranks California's military spouse licensure recognition in the bottom third of states,

while California has been found to be one of the least veteran-friendly states as measured by veterans' economic conditions (46th), veteran homelessness (48th), and affordable housing (50th). While California has passed several reforms to expedite licensure for veterans and military spouses, we have stopped short of creating true license portability. Thirty-seven other states have license recognition laws veteran-friendly than California and fifteen other states, including Oregon, Utah, and Michigan have laws requiring even greater license portability than AB 3045 proposes. AB 3045 requires most licensing boards under the Department of Consumer Affairs to honor the out-of-state professional license of a veteran or activity duty military spouse to create license portability for this vulnerable community.”

Background.

According to the National Conference of State Legislatures (NCSL), there are approximately 18.5 million veterans and 478,963 active duty military spouses or partners living in the United States today. In recognition of the tremendous sacrifices made by both military service members and their families, policymakers have routinely pursued opportunities to help provide these individuals with economic opportunity. In recent years, this has included examination of the potential to remove barriers to entry into professions and vocations requiring licensure in California through the DCA.

The United States Department of Defense provides training to many members of the Armed Forces in numerous disciplines that are directly relevant to professions requiring licensure. The NCSL states that as of 2017, approximately 30,322 active-duty enlisted personnel were trained in construction; 68,365 were trained in health care; 129,209 were trained in electronic and electrical equipment repair; 161,571 were trained as engineers; and 160,690 were trained as mechanics. Despite this substantial education, training, and experience, many veterans report having difficulty finding employment upon honorable discharge.

Meanwhile, the Syracuse University Institute for Veterans and Military Families found that up to 35 percent of military spouses are employed in fields requiring licensure. Because each state possesses its own licensing regime for professional occupations, military family members are required to obtain a new license each time they move states, with one-third of military spouses reportedly moving four or more times while their partner is active duty. Because of the barriers encountered by military family members who seek to relocate their licensed work to a new state, it is understood that continuing to work in their field is often challenging if not impossible.

Currently, statute provides for several accommodations of both military family and veteran license applicants. Boards are required to inquire about the military status of each of their applicants so that military experience may potentially be applied toward licensure training requirements. Boards are also required to expedite licensure for military veterans as well as the spouses and partners of active duty military.

Statute also provides that temporary licenses be provided to military spouses and partners in a handful of occupations and professions. Specifically, the following licenses may be granted temporarily to military family members pending determination that the applicant qualifies for a permanent license:

- 1) Registered nurses licensed by the Board of Registered Nursing.
- 2) Vocational nurse licenses issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- 3) Psychiatric technician licenses issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- 4) Speech-language pathologist licenses issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- 5) Audiologist licenses issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- 6) Veterinarian licenses issued by the Veterinary Medical Board.
- 7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
- 8) All licenses issued by the Medical Board of California.
- 9) All licenses issued by the Podiatric Medical Board of California.

These temporary licenses are available to applicants who supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders. The applicants are required to hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Currently, these temporary licenses are valid for 12 months; this bill would expand that to 30 months.

To qualify for temporary licensure, the military family member submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application also includes written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction. The applicant may not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license, and the applicant cannot have been disciplined by a licensing entity in another jurisdiction or have been the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

This bill would seek to expand opportunities to military family members and Armed Forces veterans beyond what is currently provided for in the law. The bill would not apply to licenses issued by boards that are subject to existing temporary license provisions. The same standards and qualifications would be required of applicants; however, the privileges granted would be in the form of full permanent licensure. Whereas temporary licenses expire 12 months after issuance, licenses granted under this bill would be indefinite. Furthermore, while temporary

licensure currently only applies to military spouses and partners, this bill would treat similarly both military family members and veterans.

Current Related Legislation. AB 107 (Salas) would expand the temporary licensure program for military spouses and partners to include every board and bureau under the DCA. *This bill is pending in the Assembly Committee on Military and Veterans Affairs.*

Prior Related Legislation. AB 3045 (Gray) was substantially similar to this bill. *This bill died in the Senate Committee on Business, Professions, and Economic Development.*

AB 2549 (Salas) would have expanded temporary licensure for military spouses and partners to include licenses issued by the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy. *This bill died in the Senate Committee on Business, Professions, and Economic Development.*

AB 2185 (Patterson) would have similarly required each board under the DCA to offer license reciprocity for military spouses and partners who are licensed in other states. *This bill died in the Assembly Committee on Business and Professions.*

SB 1226 (Correa, Chapter 657, Statutes of 2014) requires the DCA to expedite applications from honorable discharged veterans and allows in-lieu course requirements for private security officers.

AB 1904 (Block, Chapter 399, Statutes of 2012) provides for the expedited licensure of military spouses.

ARGUMENTS IN SUPPORT:

The **San Diego Military Advisory Council (SDMAC)** supports this bill. According to SDMAC, “as our military families move into California the ability for the spouse to continue work is key to affording to live in our state. Licensing challenges are a top contributor to military spouse unemployment and under-employment, and the nonprofit Blue Star Families’ recent survey found military spouse employment is the top concern among military families.”

ARGUMENTS IN OPPOSITION:

None on file.

POLICY ISSUE(S) FOR CONSIDERATION:

Currently, this bill applies to both military spouses/partners and veterans. While both of these populations are certainly worthy of special consideration, they arguably face distinct circumstances and challenges. Existing law already provides a process for many boards to issue temporary licenses to military family members, and there are active proposals to expand this process to all boards under the DCA. Rather than creating a new licensing pathway for military family members seeking licensure under boards that do not grant temporary licensure, it may be more effective to utilize and enhance the existing architecture for those applicants. The author may therefore wish to consider narrowing the bill to focus on veterans.

As the bill relates to licensure for veterans, the author may wish to consider clarifying the bill to ensure that it applies more specifically to the veteran population it intends to benefit. For many honorably discharged veterans of the military, reentering civilian life can be a challenge and the ability to quickly find employment is essential to supporting that readjustment. To focus the bill's application to that veteran population, the author might consider narrowing the scope of the bill to create a new temporary licensure pathway specifically for veterans within a defined period of time following discharge.

REGISTERED SUPPORT:

Beale Military Liaison Council, Inc.
California Defense Community Alliance
City of Camarillo
County of Ventura
San Diego Military Advisory Council
Solano County Board of Supervisors
South Bay Aerospace Alliance
Travis Community Consortium

REGISTERED OPPOSITION:

None on file.

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