

HOUSE BILL REPORT

HB 2167

As Reported by House Committee On:
Business & Financial Services

Title: An act relating to procedures allowing certain military spouses to seek employment in state-licensed professional occupations after relocating to Washington.

Brief Description: Concerning the establishment of procedures for the professional licensing of military spouses after relocation to Washington.

Sponsors: Representatives Green, McCoy, Hurst, Hunt, Bailey, Tharinger, Ladenburg, Hansen, Finn, Appleton, Jinkins, McCune, Lytton, Roberts, Kirby, Fitzgibbon, Kelley, Liias, Ryu, Kenney, Maxwell, Ormsby, Dahlquist and Orwall.

Brief History:

Committee Activity:

Business & Financial Services: 12/13/11 [DP].

Brief Summary of Bill

- Requires an authority that issues a professional license, certificate, registration, or permit under Title 18 RCW to expedite the right of qualified military spouses transferred to this state to provide professional services.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: Do pass. Signed by 12 members: Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Buys, Assistant Ranking Minority Member; Blake, Hudgins, Hurst, Parker, Pedersen, Rivers, Ryu and Stanford.

Staff: Jon Hedegard (786-7127).

Background:

A number of different authorities license various businesses and professions in Title 18 RCW. A business or profession may be regulated directly by an agency or under a board or commission or other authority that may have sole or shared jurisdiction. Each regulated

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business and profession has a separate set of laws. Generally, businesses and professions have provisions allowing for some form of reciprocity for licensees from other states.

Requirements for professions for a license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Title 18 RCW includes the regulation of a broad array of businesses and professions. In some fields, individuals are regulated. In other places, it is an entity that is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under Title 18 RCW include the following:

- the Department of Health directly regulates or collaborates with a board or commission to oversee approximately 79 different health professions;
- the Department of Licensing directly regulates or collaborates with a board or commission to oversee a wide variety of professions;
- the Department of Labor and Industries regulates contractors and plumbers;
- the Board of Accountancy oversees certified public accountants;
- the Department of Ecology regulates persons licensed to dig wells;
- the Department of Financial Institutions regulates escrow agents;
- the State Director of Fire Protection, an appointee of the Chief of the Washington State Patrol, oversees persons licensed or certified to perform services related to fire protection sprinkler systems, including fire protection sprinkling fitters; and
- county auditors register process servers. The requirements are the applicant must be 18 or older, a resident of this state, and register as a process server with the auditor of the county in which the process server resides or operates his or her principal place of business.

Summary of Bill:

The bill contains a number of findings about military families.

An "authority" is defined as any board, commission, or other authority that issues a license, certificate, registration, or permit under Title 18 RCW.

To the extent resources are available, an authority must establish procedures to expedite the issuance of a license, certificate, or permit to perform professional services to a person who:

- is certified or licensed to perform professional services in another state;
- has a spouse that is transferred by the military to this state; and
- left employment in the other state to join their spouse in this state.

The procedures must include a process for issuing the person a license, certificate, registration, or permit, if, in the opinion of the authority, the requirements for licensure, certification, registration, or obtaining a permit of the other state are substantially equivalent to the requirements of this state.

Each authority must adopt rules authorizing a qualified person to perform the services regulated by that authority by issuing the person a temporary license, certificate, registration, or permit unless the authority finds that the requirements for a license, certificate, registration, or permit of the other state are substantially unequal to the standards of this state. A temporary license, certificate, registration, or permit allows a qualified person to perform the regulated services while completing any specific requirements required in this state that were not required in the other state or states.

An applicant must state in the application that he or she:

- has requested verification that he or she is currently licensed, certified, registered, or has a permit from the other state or states; and
- is not the subject of a pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

If an authority has reasonable cause to believe that an applicant made a false assertion concerning one of the required application statements, the authority may suspend the license, certificate, registration, or permit pending an investigation or further disciplinary action or revocation.

The Department of Licensing, the Department of Health, and the Department of Labor and Industries must brief the Joint Committee on Veterans' and Military Affairs in December 2012 regarding implementation efforts.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The military is based on volunteers. Recruitment and retention of qualified personnel are essential to the defense of the country. A majority of military spouses need or want to work. The support of coworkers can be helpful to a military spouse who is married to a deployed member of the military. Each authority will make its own rules regarding the expedited licensing processes. This issue has developed recently for the Department of Defense state liaisons. Florida and Alaska passed legislation last year. An overwhelming majority of military spouses are women. There may be a maximum of around 1,600 spouses of active-duty military personnel that could be helped each year. Six thousand veterans a

year may retire in the state and might be helped by the bill. This is a good bill. Teachers are already meeting these types of standards. Teachers currently have reciprocity with all other states. It is a seamless permitting process. The teacher moving in is given a temporary permit and has a year to meet all of the requirements. This bill helps ensure that military personnel and their families can get to work in this state. The Nursing Care Quality Assurance Commission allows for temporary permits today. This bill is a complement to the current regulation of some professions.

(In support with concerns) This is a good concept, but there may be some unforeseen consequences. A psychiatric advanced registered nurse practitioner can prescribe pharmaceuticals. The educational and work experience standards for these nurses are quite high to ensure safety. Standards must remain high to ensure safety. There has been very little time to review the bill. There is some concern about the use of resources in these difficult financial times. It may be possible to address all of the concerns by working with the sponsor.

(Opposed) None.

Persons Testifying: (In support) Mark San Souci, Department of Defense; Ted Wicorek, Veterans Legislative Coalition; Bob Rudolph, Veterans and Military Families for Progress; David Brenna, Professional Educator Standards Board; Michael Transue, Tacoma-Pierce County Chamber of Commerce; and Melissa Johnson, Washington State Nurses Association.

(In support with concerns) Leslie Emerick, Association of Advanced Practice Psychiatric Nurses.

Persons Signed In To Testify But Not Testifying: None.