

Date of Hearing: April 30, 2013

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS
Al Muratsuchi, Chair
AB 213 (Logue) – As Amended: April 15, 2013

SUBJECT: Healing arts: licensure and certification requirements: military experience.

SUMMARY: Establishes the Veterans Health Care Workforce Act of 2013, which requires schools accredited by healing arts boards within the Department of Consumer Affairs (DCA) and the State Department of Public Health (DPH) to accept satisfactory evidence of an applicant's education, training, and practical experience completed during military service towards licensure or certification, as specified. Specifically, this bill:

- 1) Requires, by January 1, 2015, all healing arts boards under DCA which accredit or otherwise approve schools offering educational course credit for meeting licensing requirements to mandate that those schools seeking accreditation or approval submit proof to the board that those schools have procedures in place to evaluate, upon satisfactory evidence by the applicant, whether an applicant's military education, training, and practical experience are equivalent to the board's standards and may be applicable toward licensure.
- 2) Prohibits all healing arts boards that require schools to be accredited by a national organization from imposing requirements on those schools that conflict with the standards of the national organization.
- 3) Requires the Department of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to assist DPH, the State Public Health Officer, healing arts boards, and schools with compliance, including the determination of equivalency and obtaining state, federal, or private funds to support the implementation of this bill.
- 4) Requires the following professions regulated by DPH to accept satisfactory evidence of an applicant's education, training, and practical experience completed as a member of the military toward the qualifications and requirements for licensure or certification by DPH if DPH determines that the education, training, or practical experience is equivalent to its standards:
 - a) Medical laboratory technicians;
 - b) Clinical laboratory scientists;
 - c) Radiologic technologists;
 - d) Nuclear medicine technologists;
 - e) Certified nurse assistants;
 - f) Certified home health aides;

- g) Certified hemodialysis technicians; and
 - h) Nursing home administrators.
- 5) Requires, by January 1, 2015, if DPH accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, to require a school seeking accreditation or approval to submit to DPH proof that the school has procedures in place to fully accept an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification if the school determines that the education, training, or practical experience is equivalent to DPH's standards.
- 6) Prohibits DPH, if it requires a school to be accredited by a national organization, from imposing requirements that would conflict with the standards set by the national organization.
- 7) Makes Legislative findings and declarations.

EXISTING LAW:

- 1) Defines "board" as used in the Business and Professions Code (BPC) to refer to "the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'" (BPC Section 22)
- 2) Places the following healing arts boards under the DCA:
- a) State Board of Chiropractic Examiners;
 - b) Dental Board of California;
 - c) Medical Board of California;
 - d) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board;
 - e) State Board of Optometry;
 - f) California Board of Occupational Therapy;
 - g) Physical Therapy Board of California;
 - h) Board of Registered Nursing;
 - i) Board of Vocational Nursing and Psychiatric Technicians;
 - j) Board of Psychology;
 - k) Physician Assistant Board;

- l) Osteopathic Medical Board;
 - m) Naturopathic Medicine Committee;
 - n) Respiratory Care Board of California;
 - o) California State Board of Pharmacy;
 - p) California Massage Therapy Council;
 - q) Veterinary Medical Board;
 - r) Acupuncture Board; and,
 - s) Board of Behavioral Sciences. (BPC 500, *et seq.*)
- 3) Requires all boards regulated under the BPC to provide for methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the business, occupation, or profession regulated. (BPC 35)
 - 4) Requires the rules and regulations of DCA healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. (BPC 710)
 - 5) Requires, by July 1, 2015, the Chancellor of the California Community Colleges, using common course descriptors and pertinent standards of the American Council on Education, to determine for which courses credit should be awarded for prior military experience. (Education Code Section 66025.7)
 - 6) Authorizes DPH to license or certify the following health care professions:
 - a) Medical laboratory technician; (BPC 1260.3)
 - b) Clinical laboratory scientist; (BPC 1261)
 - c) Radiologic technologist; (Health and Safety Code (HSC) Section 114840, *et seq.*)
 - d) Nuclear medicine technologist; (HSC 107150 *et seq.*)
 - e) Certified nurse assistant; (HSC 1337)
 - f) Certified home health aide; (HSC 1736.1)
 - g) Certified hemodialysis technician; (BPC 1247.3) and
 - h) Nursing home administrator. (HSC 1416.2.)

FISCAL EFFECT: Unknown at this time.

COMMENTS: According to the author:

In order to honor the service of our nation's returning heroes and address California's healthcare workforce needs, this bill would ensure that veterans with healthcare education, training, and practical experience are expedited into civilian employment as healthcare professionals.

This bill would break down barriers facing returning veterans, by requiring state entities that license healthcare professionals to establish policies that recognize the education, training, and practical experience of a veteran applicant. It would also require these entities to work with the college programs they accredit to ensure that the colleges have procedures in place so that veteran applicants are not forced to retake classes they have already completed at a military institute, and so that veterans are able to quickly complete the additional coursework necessary for licensure.

According to the Committee on Business and Professions:

Both DCA and DPH were required to submit a report to the Legislature in October 2012 detailing how professional licensure programs under their respective jurisdictions address military experience. The results, ... suggest that while DCA boards generally have sufficient authority to accept military service towards licensure, DPH may not.

The Legislative Analyst's Office "Supplemental Report of the 2012-13 Budget" (Item 4265-001-0001) also requested that DPH submit a report to the Legislature on DPH's efforts to accept military training and experience towards licensure or certification. That report, "Consideration of Military Experience for Professional Licensure" was provided to the Legislature on October 1, 2012. Although there is no explicit statute currently requiring DPH-regulated professions to accommodate military training and experience, some do voluntarily.

In the report, DPH indicated that it has some policies in place to evaluate education, training, and experience obtained in military service for Medical Laboratory Technicians, Clinical Laboratory Scientists, Radiologic Technologists, Nuclear Medicine Technologists, Certified Nurse Assistants, and Nursing Home Administrators.

DPH does not currently have the statutory authority to issue a certification as a Certified Hemodialysis Technician or a Certified Home Health Aide based on military experience or education, though military training programs may apply to CDPH for approval.

This statute will address the need for additional statutory authority at DPH to consider military training and experience for the professions enumerated above. It will also make it mandatory that DPH consider such training and experience in all of its programs.

In addition, there is currently no program in place to require that DCA or DPH healing arts boards' accredited schools accept military education, training, or practical experience. It is unknown how many such schools already do accept such education, training, and experience. In

theory, initiating this requirement will expand the number of schools at least considering military experience and training which is in alignment with the policy expressed in BPC 35. Schools retain the ability to decide what military training and experience will count toward their programs, but they must at least have a process in place.

Related Legislation. AB 555 (Salas) would require a board to consider any relevant training an applicant received while serving in the armed forces of the United States for purposes of satisfying the requirements for a license, if applicable to the requirements for the particular business, occupation, or profession regulated by the board. That bill would also authorize a board to consult with the Department of Veterans Affairs and the Military Department when evaluating whether training acquired during service in the armed forces of the United States is applicable to a particular license.

AB 704 (Blumenfield) would require the Emergency Medical Services Authority to develop and adopt regulations to, upon presentation of satisfactory evidence, accept the education, training, and practical experience completed by an applicant with military experience toward the qualifications and requirements for EMT-I certification, EMT-II certification, or EMT-P licensure, as specified.

AB 705 (Blumenfield) would require the Board of Registered Nursing to adopt regulations that identify the Armed Forces coursework, training, and experience that is equivalent or transferable to coursework required for licensure by the board. This bill would require the board, after evaluating a military applicant's education and training, to provide the applicant with a list of the coursework he or she must still complete to be eligible for licensure.

AB 851 (Logue) is similar to this bill, but would relate only to the Dental Board of California.

AB 1057 (Medina) would require each BPC board to inquire in every application for licensure if the applicant is serving in, or has previously served in, the military. That bill is in the Assembly Business, Professions and Consumer Protection Committee.

Previous Legislation. AB 1976 (Logue) of 2012 was substantially similar to this bill. That bill was held in the Assembly Appropriations Committee.

AB 1932 (Cook) of 2012 would have required DCA healing arts boards to issue a written report to the California Department of Veterans Affairs by January 1, 2014 detailing the methods for evaluating the education, training, and experience obtained by applicants in military service and whether that education, training, and experience is applicable to the boards' requirements for licensure. This bill was held in the Senate Rules Committee.

SB 289 (Ed Hernandez), Chapter 352, Statutes of 2012, clarified that DPH has the authority to approve certain clinical laboratory scientist training programs owned and operated by the United States military that are at least 52 weeks long.

Previous Committee: Assembly Business, Professions and Consumer Protection

Ayes: 13 Noes: 0

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion-Department of California
AMVETS – Department of California
Association of California Healthcare Districts
Blood Centers of California
California Association of County Veterans Service Officers
California Association for Health Services at Home
California Association of Physician Groups
California Optometric Association
California State Commanders Veterans Council
Office of the Deputy Assistant Secretary of Defense, Military Community and Family Policy
VFW, Department of California
Vietnam Veterans of America – California State Council

Opposition

California Society of Radiologic Technologists

Analysis Prepared by: John Spangler / V. A. / (916) 319-3550