

AB 213 (Logue) – Healing Arts: Licensure and Certification Requirements: Military Experience

Introduced January 31, 2013, Amended April 18, 2013

This bill would establish 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.

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.

Background:

Because of similarities in training and experience compared to their civilian counterparts, individuals with military training and experience in health care may be well-positioned to meet the state's health care needs upon their separation from service. 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.

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;**
- aa) Physician Assistant Board;
- bb) Osteopathic Medical Board;
- cc) Naturopathic Medicine Committee;
- dd) Respiratory Care Board of California;
- ee) California State Board of Pharmacy;
- ff) California Massage Therapy Council;
- gg) Veterinary Medical Board;
- hh) Acupuncture Board; and,
- ii) Board of Behavioral Sciences. (BCP 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.)

This bill requires, by January 1, 2015, the Department of Public Health (DPH) and healing arts boards within the Department of Consumer Affairs (DCA boards) to undertake activities intended to facilitate the transition of military veterans to civilian careers as health care professionals.

Specifically, this bill:

- 1) Requires DPH to accept education, training, and practical experience completed in the military, as specified, toward licensure or certification, if DPH determines the education, training, or experience is equivalent to DPH's standards.
- 2) Applies to the following professions regulated by DPH: 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.

- 3) Requires DPH and DCA boards that accredit or approve schools offering course credit for licensure requirements, to require schools seeking accreditation or approval to submit proof of the school's procedures to evaluate an applicant's military education, training, and experience toward completion of an education program that would qualify the applicant for licensure if the school determines that the education, training or practice experience is equivalent to the DPH or DCA board's standard, as specified.
- 4) Requires the Department of Veterans Affairs (DVA), California State University (CSU) and California Community Colleges (CCC) to provide technical assistance to DPH and DCA for determining equivalency between education, training, and experience of an applicant and DPH or DCA board standards, and for obtaining state, federal, or private funds for implementation.

Fiscal Effect:

- 1) One-time and ongoing costs, to DPH and DCA boards, to review existing military and school programs for equivalency, develop a process to ensure compliance by schools, and review compliance. Initial costs are in the range of \$500,000 to DPH and \$100,000 to DCA boards, with ongoing costs decreasing but remaining significant.
- 2) Minor, absorbable costs to DVA, CSU and CCC, to provide technical assistance to DPH and DCA.
- 3) State costs could be offset if private or federal funds are available for implementation.

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.

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 213

**Introduced by Assembly Member Logue
(Principal coauthor: Assembly Member Pan)
(Coauthors: Assembly Members Conway, Beth Gaines, Harkey,
Jones, Morrell, Nestande, and Wilk)**

January 31, 2013

An act to add Section 712 to the Business and Professions Code, and to add Section 131136 to the Health and Safety Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as amended, Logue. Healing arts: licensure and certification requirements: military experience.

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these 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. Under existing law, specified other healing arts professions and vocations are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public

Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

This bill would require the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate for specified professions and vocations if that education, training, or experience is equivalent to the standards of the department. If a board within the Department of Consumer Affairs or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than January 1, 2015, require those schools seeking accreditation or approval to have procedures in place to evaluate 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, as specified.

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans. Under existing law, the Chancellor of the California State University and the Chancellor of the California Community Colleges have specified powers and duties relating to statewide health education programs.

With respect to complying with the bill’s requirements and obtaining specified funds to support compliance with these provisions, this bill would require the Department of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to provide technical assistance to the healing arts boards within the Department of Consumer Affairs, the State Department of Public Health, and to the schools offering, or seeking to offer, educational course credit for meeting licensing qualifications and requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Veterans Health Care Workforce Act of 2013.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:

1 (1) Lack of health care providers continues to be a significant
2 barrier to access to health care services in medically underserved
3 urban and rural areas of California.

4 (2) Veterans of the United States Armed Forces and the
5 California National Guard gain invaluable education, training, and
6 practical experience through their military service.

7 (3) According to the federal Department of Defense, as of June
8 2011, one million veterans were unemployed nationally and the
9 jobless rate for post-9/11 veterans was 13.3 percent, with young
10 male veterans 18 to 24 years of age experiencing an unemployment
11 rate of 21.9 percent.

12 (4) According to the federal Department of Defense, during the
13 2011 federal fiscal year, 8,854 enlisted service members with
14 medical classifications separated from active duty.

15 (5) According to the federal Department of Defense, during the
16 2011 federal fiscal year, 16,777 service members who separated
17 from active duty listed California as their state of residence.

18 (6) It is critical, both to veterans seeking to transition to civilian
19 health care professions and to patients living in underserved urban
20 and rural areas of California, that the Legislature ensures that
21 veteran applicants for licensure by healing arts boards within the
22 Department of Consumer Affairs or the State Department of Public
23 Health are expedited through the qualifications and requirements
24 process.

25 (b) It is the intent of the Legislature to ensure that boards within
26 the Department of Consumer Affairs and the State Department of
27 Public Health and schools offering educational course credit for
28 meeting licensing qualifications and requirements fully and
29 expeditiously recognize and provide credit for an applicant's
30 military education, training, and practical experience.

31 SEC. 3. Section 712 is added to the Business and Professions
32 Code, to read:

33 712. (a) Not later than January 1, 2015, if a board under this
34 division accredits or otherwise approves schools offering
35 educational course credit for meeting licensing qualifications and
36 requirements, the board shall require a school seeking accreditation
37 or approval to submit to the board proof that the school has
38 procedures in place to evaluate, upon presentation of satisfactory
39 evidence by the applicant, the applicant's military education,
40 training, and practical experience toward the completion of an

1 educational program that would qualify a person to apply for
2 licensure if the school determines that the education, training, or
3 practical experience is equivalent to the standards of the board. A
4 board that requires a school to be accredited by a national
5 organization shall not impose requirements on the school that
6 conflict with the standards of the national organization.

7 (b) With respect to ~~complying~~ *compliance* with the requirements
8 of this section, including the determination of equivalency between
9 the education, training, or practical experience of an applicant and
10 the board's standards, and obtaining state, federal, or private funds
11 to support compliance with this section, the Department of Veterans
12 Affairs, the Chancellor of the California State University, and the
13 Chancellor of the California Community Colleges shall provide
14 technical assistance to the boards under this division and to the
15 schools under this section.

16 (c) *Nothing in this section shall interfere with an educational,*
17 *certification, or licensing requirement or standard set by a*
18 *licensing entity or certification board or other appropriate healing*
19 *arts regulatory agency or entity, to practice health care in the*
20 *state.*

21 SEC. 4. Section 131136 is added to the Health and Safety Code,
22 to read:

23 131136. (a) Notwithstanding any other provision of law, the
24 department shall, upon the presentation of satisfactory evidence
25 by an applicant for licensure or certification in one of the
26 professions described in subdivision (b), accept the education,
27 training, and practical experience completed by the applicant as a
28 member of the United States Armed Forces or Military Reserves
29 of the United States, the national guard of any state, the military
30 reserves of any state, or the naval militia of any state, toward the
31 qualifications and requirements for licensure or certification by
32 the department if the department determines that the education,
33 training, or practical experience is equivalent to the standards of
34 the department.

35 (b) The following professions are subject to this section:

36 (1) Medical laboratory technician as described in Section 1260.3
37 of the Business and Professions Code.

38 (2) Clinical laboratory scientist as described in Section 1261 of
39 the Business and Professions Code.

1 (3) Radiologic technologist as described in Chapter 6
2 (commencing with Section 114840) of Part 9 of Division 104.

3 (4) Nuclear medicine technologist as described in Chapter 4
4 (commencing with Section 107150) of Part 1 of Division 104.

5 (5) Certified nurse assistant as described in Article 9
6 (commencing with Section 1337) of Chapter 2 of Division 2.

7 (6) Certified home health aide as described in Section 1736.1.

8 (7) Certified hemodialysis technician as described in Section
9 1247.61 of the Business and Professions Code.

10 (8) Nursing home administrator as described in Section 1416.2.

11 (c) Not later than January 1, 2015, if the department accredits
12 or otherwise approves schools offering educational course credit
13 for meeting licensing and certification qualifications and
14 requirements, the department shall require a school seeking
15 accreditation or approval to submit to the board proof that the
16 school has procedures in place to fully accept an applicant's
17 military education, training, and practical experience toward the
18 completion of an educational program that would qualify a person
19 to apply for licensure or certification if the school determines that
20 the education, training, or practical experience is equivalent to the
21 standards of the department. If the department requires a school
22 to be accredited by a national organization, the requirement of the
23 department shall not, in any way, conflict with standards set by
24 the national organization.

25 (d) With respect to complying with the requirements of this
26 section including the determination of equivalency between the
27 education, training, or practical experience of an applicant and the
28 department's standards, and obtaining state, federal, or private
29 funds to support compliance with this section, the Department of
30 Veterans Affairs, the Chancellor of the California State University,
31 and the Chancellor of the California Community Colleges shall
32 provide technical assistance to the department, to the State Public
33 Health Officer, and to the schools described in this section.

34 (e) *Nothing in this section shall interfere with an educational,*
35 *certification, or licensing requirement or standard set by a*
36 *licensing entity or certification board or other appropriate healing*
37 *arts regulatory agency or entity, to practice health care in*
38 *California.*

O