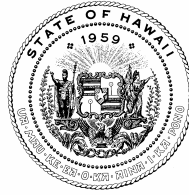


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**REPORT TO THE LEGISLATURE REGULAR SESSION OF 2013,
PURSUANT TO ACT 248, SLH 2012**

This report is filed pursuant to Act 248, SLH 2012, which requires the Licensing Administrator of the Professional and Vocational Licensing Division ("PVL") of the Department of Commerce and Consumer Affairs to communicate the intent and parameters of Act 248 to each licensing authority and to submit a report detailing plans for the implementation of Act 248 to the Legislature.

Act 248 amends Hawaii Revised Statutes chapter 436B, by requiring the professional and vocational licensing boards and programs to consider relevant military education, training, and service when evaluating an applicant's qualifications for a license. While every licensing authority has its own statutes and rules with specific requirements for licensure, the PVL recognizes and understands the importance of supporting military veterans and their quests for licensure. Act 248 is not intended to require state licensing authorities to accept all types of military education, training, or service. Act 248 is intended to support military veterans by recognizing that the military education, training, or service that veterans receive while employed in the United States Armed Forces or Reserves may be substantially equivalent to some of the requirements mandated by the PVL's licensing laws and rules in order to obtain licensure.

The twenty-five licensing boards and the Executive Officers for the twenty-two licensing programs engaged in discussions on how they would implement Act 248. During these discussions, it was noted that Act 248 does not authorize the boards or programs to waive its examination requirements. Therefore, while many licensing areas accept passage of national examinations, there are still some licensing areas that accept only the passage of regional or state examinations. Thus, even if the military applicant is licensed in another jurisdiction and has passed another jurisdiction's examination, the military applicant may still need to fulfill Hawaii's specific examination requirement by passing its regional or state examination.

If the military applicant passed a national examination required for Hawaii licensure, then that portion of the license requirement will have been met, and the board

or program may then focus on whether the applicant’s military education, training, and service qualifies for any of the other requirements for licensure.

The following PVLD licensing areas require that applicants for licensure pass regional or state examinations, and may also require passage of a national examination:

Licensing Area	National examination	Regional/Local Examination
Barbering and Cosmetology		State of Hawaii Barber Examination State of Hawaii Cosmetologist Examination
Boxing		State of Hawaii Referee, Judge, Manager, and Seconds Licensing State Examinations
Contractors		State of Hawaii Contractor Examination
Dental Examiners		Dentists – American Board of Dental Examiners (ADEX) regional examination Dental hygienists – one of four regional exams (Western Regional Examining Board; Central Regional Dental Testing Service, Inc. (CRDTS), Southern Regional Testing Agency, Inc., or North East Regional Board of Dental Examiners, Inc. given after February 1, 2005 (Hawaii administers CRDTS)
Electricians and Plumbers		State of Hawaii Electrician and Plumber Examinations
Electrologists		State of Hawaii Electrologist Examination
Elevator Mechanics		State of Hawaii Elevator Mechanic Examination
Professional Engineers, Architects, Surveyors, and Landscape Architects	National Council of Examiners for Engineering and Surveying National Council of Architectural Registration Boards Council of Landscape Architectural Registration Boards and	State of Hawaii Land Surveyor and Landscape Architect Examinations only

Massage Therapy		State of Hawaii Massage Therapy Examination
Pest Control		State of Hawaii Pest Control Operator Examination
Private Detectives and Guards		State of Hawaii Private Detective and Security Guard Examinations
Real Estate	Uniform Section of the Hawaii Real Estate License Examination and	State of Hawaii Real Estate License Examination
Veterinary Examiners	North American Veterinary Licensing Examination and	State of Hawaii Veterinarian Examination

The following PVLD licensing areas require that applicants for licensure pass national examinations:

Licensing Area	National examination	Regional/Local Examination
Accountancy	Uniform CPA Examination of the American Institute of Certified Public Accountants	
Acupuncture	National Commission for Certification on Acupuncture and Oriental Medicine	
Chiropractic Examiners	National Board of Chiropractic Examiners	
Dispensing Opticians	National Opticianry Competency Examination and Contact Lens Registry Examination	
Professional Engineers, Architects, Surveyors, and	National Council of Examiners for Engineering and Surveying National Council of Architectural Registration Boards	State of Hawaii Land Surveyor and Landscape Architect Examinations only

Landscape Architects	Council of Landscape Architectural Registration Boards and	
Hearing Aid Dealer and Fitter	International Hearing Society Licensing Examination	
Marriage and Family Therapists	National Marriage and Family Therapy Examination	
Medical	MD or OD: Comprehensive Osteopathic Medical Licensing Examination or National Board of Medical Examiners Examination or Federation Licensing Examination or United States Medical Licensing Examination or Medical Council of Canada Qualifying Examination Podiatrist: American Podiatric Medical Licensing Examination Physician Assistant: Physician Assistant Certification Examination Emergency Medical Personnel: National Registry of Emergency Medical Technicians Examination	
Mental Health Counselor	National Counselor Examination	
Naturopathic Medicine	Naturopathic Physician Licensing Examination	
Nursing Home Administrators	Nursing Home Administrator Examination	

Occupational Therapists	National Board for Certification in Occupational Therapy	
Optometry	National Board of Examiners in Optometry	
Pharmacy	Northern American Pharmacist Licensure Examination	
Physical Therapy	National Physical Therapy Examination	
Psychology	Examination for Professional Practice in Psychology	
Real Estate	Uniform Section of the Hawaii Real Estate License Examination and	State of Hawaii Real Estate License Examination
Respiratory Therapists	Certified Respiratory Therapist Examination	
Social Workers	Association of Social Work Boards Licensing Examinations (Bachelors, Masters, and Clinical levels)	
Speech Pathology and Audiology	Praxis II Examination in Speech Language Pathology Praxis II Examination in Audiology	
Veterinary Examiners	North American Veterinary Licensing Examination and	State of Hawaii Veterinarian Examination

Implementation plans for Act 248, SLH 2012 for the 25 licensing boards:

Board of Public Accountancy:

The opinion of the Board is that applications should be reviewed on a case-by-case basis. The facts and circumstances of each applicant’s educational credentials, as well as the duties and responsibilities in the applicant’s military work experience, would need to be carefully reviewed. The Board was concerned with how the requirement that an applicant’s work experience be supervised by a licensed CPA would be implemented. The Board understands that the Act allows such military experience to be accepted

even if the supervisor is not a licensed CPA – and the experience may need to be more thoroughly scrutinized to determine its equivalency.

Board of Acupuncture:

The Board will create a standing committee to review any applications (applications for license and applications for intern permit) that are submitted. The committee will make recommendations to the Board for decision-making.

Board of Barbering and Cosmetology:

The opinion of the Board is that applications should be reviewed on a case-by-case basis. If an application is received that claims exemption of an experience or training requirement and requests acceptance of military education/training/experience, the Board will need to consider it. However, if the applicant's military education/training/experience does not meet the Board's licensing requirement, then the applicant cannot be licensed. The Board may need to ask for a more detailed description and verification of the applicant's military training and experience than is normally required.

Boxing Commission:

The Commission will accept experience gained as a member of the Armed Forces.

Board of Chiropractic Examiners:

The Board does not foresee any issues that will affect its application and licensing process.

Contractors License Board:

The implementation of Act 248 has not affected the Contractors License Board's application process. The contractor license requirements include four years of supervisory level work experience in the appropriate license classification. The Board's administrative rules allows the Board to consider certain technical training or business administration training to qualify for up to one year of experience, and allows the Board to accept reasonably equivalent knowledge, training, or experience in lieu of a specific experience requirement. This includes equivalent knowledge, training, or experience earned while a member of the military. Therefore, the Board has considered relevant military education, training, or service in meeting license requirements prior to the implementation of Act 248, and will continue to do so.

Board of Dental Examiners:

The Board created a Military Applications Committee which reported the following requirements for dentist and dental hygienist applicants:

1. A certified copy of a dental or dental hygiene degree, certificate of graduation, or an official transcript from a Commission on Dental Accreditation accredited school;
2. If licensed in another jurisdiction, a copy of an active, unrestricted dental or dental hygiene practice license;
3. Official documentation from the Commanding Officer, copy of orders, or other documentation indicating active duty of previous military service; and

4. A self-query report from the National Practitioners Data Bank.

Dental applicants must also provide official verification of successful passage of the American Board of Dental Examiners examination. Dental hygienist applicants must provide official verification of successful passage (after February 1, 2005) of a clinical examination given by the Western Regional Examining Board, the Central Regional Dental Testing Service, Inc., the Southern Regional Testing Agency, Inc., or the North East Regional Board of Dental Examiners, Inc.

Renewals will tie in with the same biennial renewal period and each application shall be reviewed and approved on a case-by-base basis.

Board of Electricians and Plumbers:

The implementation of Act 248 will not affect the Board's application process, as the Board currently accepts experience gained in the military. The Board reviews applications for the requisite experience does not distinguish between military and non-military work experience.

Board of Elevator Mechanics:

The Board will accept experience gained as a member of the Armed Forces.

Board of Professional Engineers, Architects, Surveyors, and Landscape Architects:

The Board's Rules committee reported that 1) On a case-by-case basis, experience not under the supervision of a licensed person or not under the supervision of a person licensed in the same discipline shall be considered for substantial equivalency on a one-to-one basis; 2) Military education shall be considered for equivalency; 3) The Board's examination requirement must be met; and 4) All active duty personnel and veterans shall be considered for licensure.

Board of Massage Therapy:

The Board will review each applicant's experience and make the determination on a case-by-case basis whether the applicant's experience, training, and service is substantially equivalent to the Board's licensing requirement. The examination requirement must also be met. The Board is in the process of drafting administrative rules and will also address the implementation of Act 248.

Hawaii Medical Board:

The Board determined that the applicant would still need to demonstrate substantial equivalency to Hawaii's standards; therefore, there should be no problem implementing Act 248, as the Board would review each application to make such a determination.

Motor Vehicle Industry Licensing Board:

The only application that would apply under Act 248 would be the Consumer Consultants application because of the experience requirement. The Board will set up a standing committee to review such an application and hold a special Board meeting if waiting until the next scheduled Board meeting would not allow for a decision on the application to be made in a timely manner.

Motor Vehicle Repair Industry Board:

The Board will review each application for mechanic licensure on a case-by-case basis due to the education, experience, and examination requirements per the licensing law.

Board of Naturopathic Medicine:

The Board reached a consensus that there is no alternative to graduation from an accredited school with a naturopathic medical doctoral degree. An applicant wishing to use military education, training, and service toward license qualifications may take the applicant's transcripts to an accredited school to be evaluated for equivalency to a naturopathic medical doctoral degree from an accredited school.

Board of Nursing:

The Board of Nursing does recognize one military nursing program and has previously accepted military experience from an individual who was licensed in another state and reciprocated to Hawaii. The Board is willing to look at the credentials of an individual on a case-by-case basis, keeping in mind that consumer protection and patient safety is its first priority.

Board of Examiners in Optometry:

The Board will consider the military practice history of an optometrist as it relates to the statute on reciprocity. The Board will consider military experience in meeting the Therapeutic Pharmaceutical Agent certification preceptorship requirement as long as an ophthalmologist verifies this on a form and format prescribed by the Board.

Pest Control Board:

The implementation of Act 248 will not affect the Board's application process, as the Board currently accepts experience gained in the military. The Board reviews applications for the requisite experience does not distinguish between military and non-military work experience.

Board of Pharmacy:

The Board is willing to look at the credentials of an individual on a case-by-case basis, keeping in mind that consumer protection and patient safety is its first priority.

Board of Physical Therapy:

The opinion of the Board is that because of the national examination, the requirements for licensure all across the nation are substantially the same. If an applicant meets the requirements to be a physical therapist in the military, then most military physical therapists would meet the requirements to be licensed in Hawaii. There may be a few limited exceptions that would be addressed on a case-by-case basis.

Board of Private Detectives and Guards:

The implementation of Act 248 will not affect the Board's application process, as the Board currently accepts experience gained in the military. The Board reviews applications for the requisite experience does not distinguish between military and non-military work experience.

Board of Psychology:

The opinion of the Board is that the applicant must still demonstrate substantial equivalency to state standards. As such, the applicant will need to demonstrate substantial equivalency to the Board's current standards. The Board is the only body that can determine substantial equivalency.

Real Estate Commission:

The Commission's statutes and rules are the relevant laws and rules detailing how real estate brokers and salespersons are to be licensed and further details what are considered equivalencies to any of the requirements. Act 248 will not change the way individuals are currently licensed.

Board of Speech Pathology and Audiology:

The Board came to a consensus that if and when an applicant asks the Board to consider relevant education, training, or service completed as a member of the military, the Board will defer to the American Speech-Language-Hearing Association ("ASHA") for evaluation. ASHA has the ability and the expertise to evaluate speech pathology and audiology education and experience. Therefore, the applicant must request verification from ASHA on whether the applicant's military education, training, or service demonstrates substantial equivalency to the state standards and present such verification to the Board.

Board of Veterinary Examiners:

Act 248 will not impact the Board's application and licensing process, as specific education and examination requirements must be met.

Implementation plans for Act 248, SLH 2012 for the 22 licensing programs:

Each of the following licensing programs will review every application received and make a determination on a case-by-case basis: **Activity Desk, Cemetery and Pre-Need Funeral Authority, Collection Agency, Condominium Property Regime, Dispensing Optician, Electrologist, Employment Agency, Hearing Aid Dealer and Fitter, Marriage and Family Therapist, Mental Health Counselor, Mixed Martial Arts, Nurse Aide, Nursing Home Administrator, Occupational Therapist, Port Pilot, Real Estate Appraiser, Respiratory Therapist, Social Worker, Subdivision, Time Share, Travel Agency, and Uniform Athlete Agent.**

In conclusion, the PVLD will ensure that all of its licensing boards and programs will make every effort to consider relevant military education, training, and service as part of the evaluation process in qualifying military personnel and veterans for licensure. A majority of the applications will be reviewed on a case-by-case basis.