

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 559 Occupational Licensure of Military Spouses

**SPONSOR(S):** Professions & Public Health Subcommittee, Regulatory Reform Subcommittee, Hunschofsky and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 562

| REFERENCE                                   | ACTION           | ANALYST  | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|------------------|----------|---------------------------------------|
| 1) Regulatory Reform Subcommittee           | 17 Y, 0 N, As CS | Thompson | Anstead                               |
| 2) Professions & Public Health Subcommittee | 18 Y, 0 N, As CS | Rahming  | McElroy                               |
| 3) Health & Human Services Committee        |                  | Rahming  | Calamas                               |

### SUMMARY ANALYSIS

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners in Florida. The MQA works in conjunction with 22 boards and four councils to license and regulate ten types of health care facilities and more than 200 licenses in over 40 health care professions. Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

DOH provides expedited health care professional licensing to applicants who are a spouse or surviving spouse of a U.S. Armed Forces active duty member through the Florida Veterans Application for Licensure Online Response System (VALOR). Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees. In Florida, spouses of active duty members are authorized to receive a temporary license to practice certain health care professions upon submission of specified information and a \$65 licensure application fee.

The bill makes several revisions to temporary licensure requirements for the spouse of an active duty member. The bill:

- Requires DOH to issue a full professional license, rather than a temporary license, to applicants who satisfy submission requirements;
- Requires the board, or DOH if there is no board, to expedite all applications submitted by an active duty member's spouse under specified conditions;
- Allows military spouse licensees to renew the license, which is prohibited under current law; and
- Requires DOH to waive the \$65 application fee.

The bill will likely have an insignificant, negative fiscal impact on DOH and has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

#### **Licensure of Health Care Practitioners**

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners in Florida.<sup>1</sup> The MQA works in conjunction with 22 boards and four councils to license and regulate ten types of health care facilities and more than 200 licenses in over 40 health care professions.<sup>2</sup> Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

#### **Military and Veteran Licensure**

Florida offers expedited licensing and fee waivers to a person who serves or has served as a health care practitioner<sup>3</sup> in the United States Armed Forces, United States Reserve Forces, or the National Guard<sup>4</sup>. To qualify for the expedited licensure and fee waivers, the person must have actively practiced the profession for which he or she is applying during the preceding 3 years and must:<sup>5</sup>

- Submit a complete application;
- Submit proof that he or she has received an honorable discharge within 6 months before, or will receive an honorable discharge within 6 months after, the date of submission of the application;
- Submit proof that he or she holds an active, unencumbered license issued by another state, the District of Columbia, or a possession or territory of the United States and who has not had disciplinary action taken against him or her in the 5 years preceding the date of submission of the application;
- Attest that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying; and
- Submit a set of fingerprints for a background screening, if required for the profession for which he or she is applying.

DOH is required to develop an application form,<sup>6</sup> and each board, or DOH if there is no board, is required to waive the application fee, licensure fee, and unlicensed activity fee for such applicants.<sup>7</sup>

#### **Military Spouse Temporary Licensure**

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<sup>1</sup> Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dietitians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

<sup>2</sup> Florida Department of Health (DOH), Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2020-2021*, <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1617.pdf> (last visited Jan. 3, 2022).

<sup>3</sup> Health care practitioner means a health care practitioner as defined in s. 456.001, F.S., and a person licensed under part III of ch. 401, F.S., or part IV of ch. 468, F.S.

<sup>4</sup> Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).

<sup>5</sup> S. 456.024(3)(b), F.S.

<sup>6</sup> R. 64B-9.003, F.A.C.

<sup>7</sup> S. 456.024(3)(a), F.S.

Each board, or DOH if there is no board, is also authorized to issue temporary licenses to military spouses to practice his or her health care profession in Florida.<sup>8</sup> A temporary license is valid for one year and is not renewable.<sup>9</sup> To be eligible for a temporary license, a military spouse must:<sup>10</sup>

- Submit a completed application and a \$65 application fee;<sup>11</sup>
- Provide proof that he or she is married to an active duty member of the U.S. Armed Forces assigned to a duty station in Florida pursuant to official military orders;
- Provide proof of a valid license from another state or jurisdiction to practice the health profession for which he or she is applying and that such license is not subject to any disciplinary proceeding;
- Provide proof that he or she would otherwise be entitled to full licensure and is eligible to take the respective licensure examination as required in this state; and
- Pass a criminal background screening.

DOH provides expedited health care professional licensing to honorably discharged veterans and their spouses through the Florida Veterans Application for Licensure Online Response System (VALOR).<sup>12</sup> Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees.<sup>13</sup>

Since its inception in 2016, there have been approximately 1,669 health care licensure applications submitted by and approved for active duty service members, military veterans, and their spouses through the VALOR expedited licensing process. There were 352 applications approved for health care licensure of military spouses and honorably discharged veterans in FY 2020-2021, which accounted for approximately 1.38% of all DOH issued licenses during this time period.<sup>14</sup>

### **Effect of Proposed Changes**

The bill makes several revisions to temporary licensure requirements for the spouse of an active duty member. The bill:

- Requires DOH to issue a full professional license, rather than a temporary license, to applicants who satisfy submission requirements;
- Requires the board, or DOH if there is no board, to expedite all applications submitted by an active duty member's spouse under specified conditions; and
- Allows military spouse licensees to renew the license, which is prohibited under current law; and
- Requires DOH to waive the \$65 application fee.

The bill has an effective date of July 1, 2022.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 456.024, F.S., relating to members of Armed Forces in good standing with administrative boards or the department; spouses; licensure.

**Section 2:** Provides an effective date of July 1, 2022.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

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<sup>8</sup> S. 456.024(4), F.S.

<sup>9</sup> S. 456.024(4)(f), F.S.

<sup>10</sup> S. 456.024(4)(a)-(d), F.S.

<sup>11</sup> R. 64B-4.007, F.A.C.

<sup>12</sup> DOH operates the Veterans Application for Licensure Online Response System (VALOR) to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in a nother state. See <http://www.flhealthsource.gov/valor> (last visited Jan. 4, 2021).

<sup>13</sup> DOH, Agency Analysis of 2022 HB 559, p. 2 (12/14/2021).

<sup>14</sup> *Id.*

1. Revenues:

The Division of Medical Quality Assurance will experience a recurring loss of revenue with implementation of the bill, but anticipates that any reduction in licensing fees will have an insignificant impact on their trust fund.<sup>15</sup>

2. Expenditures:

DOH will incur costs associated with implementing the bill, which current resources are adequate to absorb.<sup>16</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the \$65 DOH licensure fee for a spouse of a U.S. Armed Force active duty member.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Current law provides sufficient rulemaking authority for DOH to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 12, 2021, the Regulatory Reform Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The committee substitute removed provisions related to the Department of Business and Professional Regulation from the bill.

On January 25, 2022, the Professions & Public Health Subcommittee adopted an amendment to HB 559 and reported the bill favorably as a committee substitute. The amendment removed the requirement for DOH to issue temporary professional licenses to military spouses under certain circumstances.

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<sup>15</sup> DOH, Agency Analysis of 2022 HB 559, p. 4 (12/14/2021).

<sup>16</sup> *Id.*

This analysis is drafted to the committee substitute as passed by the Professions & Public Health Subcommittee.