

Transitioning Military & Military Spouse Occupational Licensure Study

**Authorized by Legislative Resolution 436
Referred to the Health and Human Services Committee**

**Conducted by the Office of
Nebraska State Senator Sue Crawford
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Purpose of the Study

The purpose of LR436 is to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members in Nebraska. This includes progress in providing transitioning service members with credit towards occupational licenses based on military training, education, and experience pursuant to Nebraska Revised Statute 38-1,141. This statute was enacted in 2015 as a result of LB264. As part of the Uniform Credentialing Act (UCA), the law requires that upon recommendation of the appropriate board, the Department of Health and Human Services (DHHS) Division of Public Health must accept military education, training or service that is substantially similar to the education required for the credential or license toward the minimum standards for the credential or license. Additionally, LR436 evaluates the impact and implementation of Nebraska Revised Statute 38-129.01, enacted as a result of LB88 in 2017, which created a temporary license for military spouses in professions governed by the UCA, valid for up to one year, while they work toward fulfilling requirements for standard licensure.

The provisions of the resolution include an exploration of the following:

- the number of transitioning service members who apply to each licensing board and whether they have military education or experience applied toward their licensure requirements;
- The rate of denial for transitioning service members and military spouses who apply for licenses with each board and the reasons for such denials;
- The average processing time for license applications submitted by transitioning service members and military spouses;
- Whether the web sites of each licensing board or DHHS prominently display information about accommodations available to transitioning service members and military spouses under LB264 and LB88;
- Whether educational materials are disseminated to help licensing staff improve their understanding of state legislation regarding these accommodations;
- Whether licensure applications of each board include questions about military status; and
- Whether existing laws and processes effectively address the challenges that transitioning service members and military spouses face when applying for occupational licenses upon discharge from military service or relocating to the state.

Background

The substantial sacrifices made by military service members and their families, and military spouses in particular, are widely acknowledged. Military spouses are seven times more likely to have moved across states than their civilian counterparts, contributing to unemployment rates three times higher than that of the general population (1). 30% of military spouses are unemployed. Of those that are employed, an estimated 90% are underemployed, and spouses earn on average about 38% less than the general population (2). Moreover, at least 50% of military spouses work in careers that require licenses or credentials, rendering employment difficult to maintain for spouses who must often navigate multiple relocations and differing licensure requirements from state to state (3).

Occupational licensing requirements have been demonstrated to disproportionately affect military spouses: over 40% of spouses indicate that they have had difficulty with licensure portability following a change of station, contributing to financial and emotional stress for families and negatively impacting their wellbeing (3).

Occupational licensing regulations can also be difficult for transitioning military service members to navigate as they transition to a new state or seek to transition away from active duty to a career in the civilian workforce. While service members on active duty often receive extensive training that prepares them for a wide range of occupations and which is approximately equivalent to the credentials required to secure employment, lengthy licensure processes can place undue burdens on military applicants. These barriers come at a cost to both transitioning service members and taxpayers who pay for military training and re-training outside the military through federal veterans' education benefits (4).

Many states have modified licensing requirements in recent years in order to better support military spouses and transitioning service members and remove unnecessary burdens for veterans and their families. The United States Department of Defense-State Liaison Office (DSLO) has worked with states to provide legislation to allow or require occupational boards to apply military training, education and experience toward occupational licensure requirements for transitioning service members (5). Nebraska passed LB264 in 2015 to this effect, creating statutory provisions that require the Nebraska Department of Health and Human Services to accept relevant military training or education toward licensure requirements for a number of occupations under its purview through the Uniform Credentialing Act.

DSLO has also worked with states to institute policies and practices that could expedite the processing of applications for military spouses (5). In 2017, the DSLO contracted with the University of Minnesota on a research study to evaluate state occupational boards'

implementation of laws and policies that have been revised to support military spouses. The review found that many boards across different states were not accessible, did not provide information on spouse license and license portability on websites, and that staff were often not aware of legislation pertaining to these groups or related procedures (3).

In an effort to encourage implementation of improved licensure laws, the DSLO has asked for state policymakers' assistance in assessing licensing boards and evaluating licensure improvements for transitioning service members and military spouses. In a 2012 report, the U.S. Departments of Treasury and Defense established guidelines for three best practices for supporting more efficient military and spouse license portability: licensure by endorsement, temporary licensing, and expedited licensing (6).

- ❑ **Licensure by endorsement:** Allowing boards to grant licensure to an applicant who holds a license from another jurisdiction, as long as the requirements for licensure in that jurisdiction are substantially equivalent to those in the licensing state.
- ❑ **Expedited licensing:** Giving boards authority to approve a license based simply on an affidavit from the applicant that the information provided on the application is true and that verifying documentation has been requested.
- ❑ **Temporary licensing:** Creating a temporary or provisional license to allow military spouses to practice while working toward fulfilling requirements needed to qualify in the licensing state or awaiting verification of documentation supporting an endorsement (6).

DOD Examination State Report

In the DoD's state report for Nebraska, researchers noted that the provisions of LB88 (2017) created a temporary license for military spouses for a number of occupations licensed by the Nebraska Department of Health and Human Services (DHHS), valid for up to one year*. As noted in the DoD report, the bill did not include provisions for real estate or other occupations not licensed by DHHS. Per the report, staff at the boards for selected occupations were aware of the legislation, but there was no designated contact person at the various boards to help military spouses. According to the report, of the three best practice guidelines for military spouse license portability established by the DoD, only temporary licensing had been implemented at the statutory level in Nebraska (3).

**In the DoD's report, temporary licensure is incorrectly cited as being valid for six months under LB88. This information was likely drawn from the earlier introduced version of the bill. The final version provides for validity up to one year.*

Interim Study Research for Nebraska

The provisions of LR436 state that the study should include an evaluation of occupational licensing processes in accommodating military spouses and transitioning service members, including the progress of providing transitioning service members credit for military training, education, or experience towards occupational licenses pursuant to Nebraska Revised Statute 38-1,141. That statute, as well as other recent legislative changes pertaining to licensure accommodations for these populations, are summarized below.

Recent Legislative & Regulatory Successes

Nebraska Revised Statute 38-1,141 (LB264, 2015): Requires boards or the licensing department to accept relevant military training, education, or service toward the minimum standards for a credential if the experience is “substantially similar” to the experience required for the credential.

Department of Education Military Spouse Permit (2018): In 2018, the Governor signed a revision to the Department’s Rule 21. This created a temporary three-year teaching permit for military spouses relocated to Nebraska who hold a valid teaching credential from another state.

Nebraska Revised Statute 38-129.01 (LB88, 2017):

1. Created a temporary license for military spouses in a variety of healthcare professions licensed by DHHS under the Uniform Credentialing Act. Licenses are good for up to one year until the spouse receives the regular credential to practice their profession. Individuals can receive the temporary license by demonstrating that they held a license from another state that requires nearly equivalent experience or education.
2. Created the Interstate Medical Licensure Compact to develop a streamlined process to allow physicians and surgeons to become licensed in multiple states and to enhance portability of a medical license. Physicians who have fulfilled eligibility requirements in the principal state of licensure can receive expedited licensure in any state that is a member of the compact.
3. Updated to a new Nurse Licensure Compact to reduce duplicative and redundant licensure requirements for nurses across states. Nurses who fulfill eligibility requirements in the home state can receive multistate licensure by endorsement.

Nebraska Revised Statute 38-3801 (LB 1034, 2018):

1. Adopted the EMS Personnel Licensure Interstate Compact. As a member state, Nebraska must recognize current and valid National Registry of Emergency and Medical Technicians certifications from other compact member states. In turn, Nebraska licensees can practice in other member states. License applications for veterans, active and separating service members, and their spouses must be expedited.
2. Adopted the Psychology Interjurisdictional Compact: Allows psychologists to temporarily practice or practice telepsychology across state lines in a compact member state.

Neb. Ct. R. § 3-119-D (2018): This recent amendment to Nebraska Supreme Court rules requires the Nebraska Bar Commission to expedite applications for military spouses and reduces fees for spouses by 50%. Lawyers who have been admitted to practice in another state do not need to retake the Bar exam.

Neb. Rev. Stat. 38-4001. (LB731, 2018): Adopted the Physical Therapy Licensure Compact. The compact facilitates interstate practice of physical therapy by providing for mutual recognition of other member state licenses. Military spouses may designate either their home of record, permanent change of station, or state of current residence as the home practicing state.

A summary table of these policies is presented on the next page.

Summary of Recent Legislative & Regulatory Successes

Policy	Group	Occupation	Rules
Nebraska Rev. Stat. 38-1,141 (LB264, 2015)	Past/present military service members	Wide range of healthcare and public health related occupations. For full list, see appendix.	DHHS must accept relevant military training, education, or service toward credentialing requirements.
Department of Education Rule 21	Spouses	Teachers	Three year temporary teaching permit for spouses relocated to NE who hold a valid credential in another state.
Nebraska Rev. Stat. 38-129.01 (LB88, 2017)	A. Spouses	A. Wide range of healthcare and public health related occupations. For full list, see appendix.	A. 1 year temporary license for spouses
	B. Everyone	B. Physicians	B. Can receive expedited multistate licensure in any compact member state.
	C. Everyone	C. Nurses	C. Can receive multistate licensure by endorsement in any compact member state.
Neb. Rev. Stat. 38-3801 (LB 1034, 2018)	A. Everyone, especially military & spouses	A. Emergency Medical Services personnel	A. Allows licensed EMS personnel to practice in any compact member states. License applications by military & spouses are expedited.
	B. Everyone	B. Psychologists	B. Psychologists can state can temporarily practice or practice telepsychology in any compact member state.
Neb. Ct. R. § 3-119-D (2018)	Spouses	Lawyers	Attorneys who have been admitted to the practice in another state don't need to retake the Bar exam. Applications are expedited, fees reduced by 50%.
Neb. Rev. Stat. 38-4001 (LB731, 2018)	Everyone, especially spouses	Physical therapists	Can practice in any compact member state. Spouses can designate their permanent change of station or state of current residence as their practicing state if different than home state.
Nebraska Real Estate Commission policy	Active military	Realtors	Waives continuing education and renewal requirements for up to 3 years.

Occupations Examined

This study examined eight total occupations: six as recommended by the DSLO and two additional occupations common among military spouses. The six occupations examined in the national study from the Department of Defense - State Liaison Office (DSLO) and the University of Minnesota were cosmetology, dental hygiene, massage therapy, mental health counseling, occupational therapy, and real estate. These occupations were selected for their growing market potential or increased applicability for military spouses. Teaching and nursing were also included in this study due to these occupations' status as the first and second most common professions among military spouses (7). This study set out to research how existing policies and recent statutory changes have impacted these professions. Of these eight occupations, all except teaching and real estate are licensed by the Nebraska Department of Health and Human Services (DHHS). Real estate is licensed by the Nebraska Real Estate Commission (NREC) and teachers are licensed by the Nebraska Department of Education (NDE).

DHHS Licensed Occupations

Cosmetology, dental hygiene, massage therapy, mental health counseling, occupational therapy, and nursing are licensed by the DHHS Public Health Division Licensure Unit. The DHHS Licensure Unit website branches to individual websites for each occupation. For each of the six DHHS occupations examined, information for military spouses regarding the temporary license available through LB88 was clearly presented on the website and in applications. Information on the provisions of LB264, which allow for the application of military education, training or experience toward licensure requirements, was not visible. In response to our requests for information and in order to increase awareness, the DHHS Licensure Unit has agreed to include information about the statutory provisions of LB264 on their web pages and applications along with the military spouse information that is currently available. DHHS staff confirmed that these changes will be public on web sites by November 1, 2018.

DHHS indicated that during 2017, no applicants had military training, education, or experience applied toward their licensure requirements and that no applicant had requested this. In 2017, only one military spouse applied for a temporary license and was approved as a nail technician within three days. Twelve applicants identified themselves as military spouses on nursing applications, but chose not to apply for the temporary military spouse license. None of the spouse applicants were denied a license.

Licensure by endorsement, or the waiving of examination requirements for military spouses if they currently possess a license from a previous jurisdiction, appears to only be available in the case of temporary licenses (6). Military spouses in professions under the Uniform Credentialing Act can receive a temporary license and avoid taking another exam until the temporary application for the regular credential is approved or rejected. For those professions requiring an examination, “if an examination was not required for licensure in the other jurisdiction, the applicant shall take the Nebraska examination” (Neb. Rev. Stat.38-1, 141).

As a result of inquiry through this study, DHHS Licensure Unit staff communicated that they will post information regarding the provisions of LB264 for transitioning military service members on all occupational web pages and applications by November 1, 2018.

DHHS verified that Licensure Unit Program Managers have trained their staff on the provisions of LB264 and LB88, and that there is a process in place for applicants who would potentially use the provisions of LB264: when an applicant requests that military education, training, or service be considered toward meeting his/her licensure requirements, staff refer those applications to the Program Managers who then collect information to be reviewed by the respective board for its recommendation on whether the education, training, or service is substantially similar to the education required for the credential.

DHHS stated that they are in the process of updating the regulatory aspects of the Uniform Credentialing Act that apply consistently to all UCA professions and occupations, and that this will be made available when changes are complete.

Real Estate

NREC waives continuing education and renewal requirements for active military up to three years, but does not make any accommodations for military spouses or transitioning military. Greg Lemon, Director of the NREC, indicated that the Commission was supportive of Senator Blood’s LB683 (2018) to waive the licensing fees for active military and their spouses transferring to Nebraska, but that the bill did not pass. It is possible this effort will be taken up in future legislative sessions.

Teachers

The website for the NDE Teacher Certification page includes clearly displayed information regarding the application process and temporary teaching permit available for military and

military spouses. Director of Teacher Certification, Dr. Kevin Peters, indicated that three military permits were issued in the 2018 teacher hiring season. Further, Dr. Peters received around 15 phone inquiries about the permits which did not materialize into applications. He indicated that the program numbers were expected to be low in its first year and that numbers should increase as knowledge expands to more districts and individuals.

Recommendations

In order to keep military families in Nebraska and to remain competitive with our neighbors, it is important that the state continue to streamline its occupational licensure processes for these populations. The key to Nebraska's continued economic success is attracting and retaining a skilled workforce; updating occupational licensure processes for greater ease of portability will contribute to that goal. As more attention is brought to this issue nationwide, military agencies and advocacy groups are putting increased pressure on states to reform their occupational licensure laws. U.S. Air Force Secretary Heather Wilson recently stated that the presence of state laws on reciprocity of licenses for military families would now be a key consideration in future basing and mission decisions for the Army, Navy, and Air Force (8). With Offutt Air Force base generating an estimated \$1.7 billion in economic activity annually in the state, Nebraska lawmakers should continue to work with military families and advocacy organizations to determine where reforms can be made to statute and regulations to provide greater opportunities for these skilled individuals to put down roots in Nebraska (9).

Military Spouse Licensure

The temporary license for DHHS-licensed occupations created by LB88 marks a significant step toward easing licensure burdens on military spouses living in Nebraska. This, in combination with the temporary teaching license now offered to spouses by NDE, means that temporary licenses are available in all of the top professions held by military spouses (10). However, spouses appear to lack awareness that these provisions are available to them. Information should be distributed by agencies interacting with spouses, and career liaisons or other military or nonprofit personnel who work with military spouses should be proactive about promoting the availability of these temporary licenses.

Transitioning Military Licensure

The military experience transfer provision of LB264 was a good start toward easing licensure burdens on transitioning military in Nebraska. That provision, however, only

covers those occupations licensed by DHHS. More boards from a wider range of occupations should adopt policies to accept military experience toward licensure requirements. These reforms could likely be implemented at the agency level, and proactive action from individual agency boards could reduce or eliminate the need for further legislative action on this front.

There appears to be a general lack of awareness among military populations about the provisions of LB264. To help increase awareness, DHHS has indicated they will place information for military service members on their occupational web pages and applications. Additionally, military career liaisons should be well-versed in the available provisions, and personnel interacting with transitioning military should encourage service members to get credit for their military experience toward licensure as provided by LB264.

Outreach Efforts

It is clear from the findings of this study that there is an overall lack of awareness among military populations about existing laws and policies designed to simplify occupational licensure processes for transitioning military and military spouses. Entities that interact with transitioning military such as Offutt Air Force Base Transition Assistance Program (TAP) or other military career readiness or counseling programs could work with DHHS to promote the provisions available to these populations. Offutt TAP staff indicated that Transition Workshops are scripted by the Department of Defense at the federal level to ensure compliance with Title X and congressional mandates, so information about these state-specific policies has not been included in training materials.

We recommend that the Nebraska Commission on Military and Veterans' Affairs work in collaboration with the DHHS Licensure Unit to explore avenues for promotion of existing statutes and regulations pertaining to transitioning military and spouses.

Finally, we recommend that each of the entities named above ensures that management and staff who interact with either transitioning military or military spouses are trained on existing laws and policies in order to increase the number of individuals taking advantage of these accommodations.

Summary of Recommendations

1. **Transitioning military licensure:** More boards from a wider range of professions not governed by DHHS should work to adopt policies that require boards to accept relevant military training or education toward licensure requirements.

2. **Agency collaboration:** DHHS and the Nebraska Commission on Military and Veteran affairs should collaborate to develop a public information campaign and identify other avenues through which they may promote increased awareness about existing policies among the targeted populations and organizations that advocate for them.

Following the distribution of the draft report, the Military Affairs Liaison for Nebraska's Commission on Military and Veteran Affairs met with the Licensure Unit Administrator for the Department of Health and Human Services to discuss ways to raise awareness of occupational licensure policies among the military and veteran community. After consolidating information on occupational licensure policies with other veteran and military spouse benefits, the Commission will distribute the information with the goal of increasing awareness among the military spouse community in Nebraska. Additionally, this information will be shared with outreach personnel for the Nebraska Department of Veterans Affairs, the Nebraska National Guard, the Nebraska Department of Labor, and the Nebraska Department of Health and Human Services for further distribution.

3. **Staff training:** Organizations that interact with transitioning military and/or military spouses to provide transition assistance or career counseling should develop procedures and curriculum to train all staff and management on existing military-related policies so that staff are well-versed and can educate transitioning military and spouses on career options available to them in Nebraska. Agencies should continually monitor for statutory changes that may be pertinent to these groups and ensure that staff knowledge is up-to-date regarding current laws and regulations.

Military families will be more likely to stay in a state where they can find gainful employment. Nebraska has the choice be a leader among our neighbors by making our state one where military families can thrive and easily find opportunities to utilize their skills. Continued occupational licensure reforms and streamlining of regulations will better enable these highly motivated and skilled individuals to live, work, and stay in Nebraska.

Appendix

List of Professions Governed by the Uniform Credentialing Act

Below is a list of professions which are licensed by the Department of Health and Human Services - Public Health Licensing Division per the UCA:

Acupuncture; Advanced practice nursing; Alcohol and drug counseling; Asbestos abatement, inspection, project design, and training; Athletic training; Audiology; Speech-language pathology; Body art; Certified marriage and family therapist; Certified professional counselor; Chiropractic; Cosmetology; Dialysis patient care technician; Dentistry; Dental hygiene; Electrology; Emergency medical services; Esthetics; Funeral directing and embalming; Genetic counseling; Hearing instrument dispensing and fitting; Lead-based paint abatement, inspection, project design, and training; Massage therapy; Medical nutrition therapy; Medical radiography; Medicine and surgery; Mental health practice; Nail technology; Nursing; Nursing home administration; Occupational therapy; Optometry; Osteopathy; Perfusion; Pharmacy; Physical therapy; Podiatry; Psychology; Radon detection, measurement, and mitigation; Registered environmental health specialist; Respiratory care; Social worker; Surgical assisting; Veterinary medicine and surgery; Public water system operation; Constructing or decommissioning water wells and installing water well pumps and pumping equipment (11).

For more information on the Uniform Credentialing Act, visit

<http://dhhs.ne.gov/publichealth/Documents/UniformCredentialingAct.pdf>.

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