

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-6449

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS

Title: LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH.

Vote Date: 3/12/2021

Vote Action: Joint Favorable

PH Date: 3/3/2021

File No.: 203

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

The Public Health Committee
Office of the Governor

REASONS FOR BILL:

This legislation requires the Department of Public Health (DPH) to issue an occupational or professional license or credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person:

- holds a valid credential in at least one other jurisdiction in the applicable profession and has practiced under that credential for at least a year;
- is in good standing in all jurisdictions where credentialed and has no disciplinary history;
- satisfies any background, character, or fitness check required of other applicants; and
- pays any licensure fees.

In addition, this bill allows DPH to require any such person to pass an examination required of other applicants and deny an application if found it to be in the state's best interest. The bill also requires the DPH commissioner to convene working groups to determine whether Connecticut should join any interstate licensure compacts. The commissioner must report the groups' recommendations to the Public Health Committee by January 15, 2022.

Finally, the bill requires the DPH commissioner to report to the Public Health Committee with recommendations on whether it would be in the state's best interest to (1) replace any state exams for health professionals with tests by national organizations that DPH deems

acceptable and (2) reduce any experience and training requirements while increasing testing of applicants' knowledge or skills. The Commissioner must consult with any boards or commissions she deems appropriate to develop and submit a report by January 15, 2022.

RESPONSE FROM ADMINISTRATION/AGENCY:

Susan Bysiewicz, Lieutenant Governor, Chair of the Governor's Council on Women and Girls:

Lieutenant Governor, Susan Bysiewicz, offers support for this bill on behalf of the Governor's Council on Women and Girls. As stated in the testimony, the council is comprised of the Governor's cabinet members, representatives from each of the other constitutional offices and representatives from each of the four major legislative caucuses.

The mission of the council is to provide a coordinated state response to issues that impact the lives of women, girls, their families, and the State of Connecticut. The council is charged with focusing on four areas of impact, each represented by its own subcommittee: education and STEAM; economic opportunity and workforce equity; leadership; and health and safety."

The Council on Women and Girls is supporting this legislation particularly for the provisions in Section 1 impacting military spouses, over 90% of which are women. Additionally, as stated, "economic opportunity and workforce equity is a priority for the Council. Given the mobility of our military men and women, who risk their lives for our protection, it is important that we remove any unnecessary barriers for their spouses to have gainful employment when moving to our state. We certainly do not want to discourage spouses from also making the move for fear of not being able to work." Overall, improving the occupational licensing process is advantageous to our military families and our economy.

The Connecticut Department of Public Health:

The Department of Public Health (DPH) offers support for this bill with recommendations. The bill provides DPH with the authority to require an applicant to pass an examination, or any part thereof, prior to the issuance of a license, permit, certification, or registration. With this, "[s]uch authority would provide DPH with confidence that the applicant can practice with reasonable skill and safety."

The proposed recommendations are provided:

"The Department recommends including a notwithstanding clause to make clear that DPH has the authority to issue such license, permit, certification or registration under the requirements of this bill, despite what is outlined in the statutes and regulations that govern the various professions. The Department also recommends adding the term "United States" in lines 11 and 15 before the word "jurisdiction(s)" to ensure the provisions of this bill only apply to individuals from the United States or its territories.

Lastly, the Department recommends amending the list of professions in section 3 to ensure alignment with those that fall under the purview of DPH as follows:

Sec. 3. (NEW) (Effective July 1, 2021) Not later than January 15, 2022, the Commissioner of Public Health shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public health. Such report shall be developed in consultation with such

boards or commissions as the commissioner deems appropriate and shall recommend whether it would be in the best interest of the state (1) for any examination administered by the state pursuant to chapter 368v, 370, 372, 373, chapters [369] 375 to 388, inclusive, chapter 393a, [chapters], chapter 395 [to 417, inclusive,] chapter 397a; chapter 398; chapter 399; chapter 400a, chapter 400c, and chapter 474 [chapters 435 to 449, inclusive, or chapters 474 to 483, inclusive,] of the general statutes to be administered by a national organization acceptable to the Department of Public Health, and (2) to reduce any experience and training requirements while increasing any such examination's ability to test applicants' knowledge or skills."

Representative Mike Winkler:

Representative Winkler is in opposition of this legislation as he believes it lowers state standards. He gives an example of one of the pre-existing requirements for a Licensed Professional Counselor (LPC): hours of supervised postgraduate work. He writes, "[w]hile any individual number is arbitrary, to cut a requirement in half either means Connecticut has been mistaken in setting its requirements, or some other states do not require enough supervised experience before people can, unsupervised, tend to the mental health needs of others..."

H.B. 6449 does not require applicants to meet standards equivalent to Connecticut's. It does not require a passing score on the NCMHCE exam. It does not require three years as a full-time practicing counselor."

Overall, Representative Winkler offers opposition to the passage of this legislation because he believes it creates lower standards to "match the lowest standards in the country for people coming from out of state, while maintaining high standards that our own residents have to meet to hold the same positions." Furthermore, it would affect the safeguards already in place.

NATURE AND SOURCES OF SUPPORT:

Bob Ross, Executive Director of the Connecticut Office of Military Affairs:

Connecticut Office of Military Affairs offers support of the proposed legislation. They provided written testimony primarily focuses support on military spouses as mentioned in Section 1 of the proposed bill.

As outlined, "[m]ilitary spouses represent a unique cohort in Connecticut's workforce... According to a Department of Defense report during the Obama administration, 35% of military spouses in the labor force work in professions that require state licenses or certification, and they are ten times more likely to have moved across state lines last year than their civilian counterparts. These spouses often relocate with their service member spouse several times during a military career. Because of these transitions, and the professional licensure obstacles they encounter from state to state, they experience severe employment challenges.

According to the U.S. Chamber of Commerce Foundation, military spouses have an unemployment rate of 16%, four times the national average. Among these spouses, 67% report that they had to quit their jobs and 71% report that they had higher education qualifications than their new position requires. This small cohort is experiencing economic disadvantages associated with military service." This bill takes a "unique approach" in

addressing military spouse employment challenges. The legislation would allow Connecticut to benefit from access to the talent of military spouses. Overall, "[s]trengthening and expediting licensure for experienced and qualified professionals is an opportunity for state agencies to make positive contributions to private sector enterprises who need this talent."

Adam Bentley, Manager of Optical Field Operations for Warby Parker:

Adam Bentley offers testimony in support of this bill on behalf of the company Warby Parker with recommendations. As outlined in the testimony, Warby Parker currently has three locations in the state of Connecticut. The company would like to expand further but have found "that laws and regulations governing opticianry have presented some challenges."

Warby Parker believes that Connecticut's education and licensing requirements are "outdated and among the most demanding in the country. The Department of Public Health is limited in approving opticians licensed in other states unless their state's requirements are greater than, or equal to, Connecticut's. This practice forces qualified opticians licensed out-of-state to take Connecticut's licensing exam, which has a failure rate significantly higher than national exams or exams in other states." Warby Parker respectfully request the committee to consider going further to update the code and improve optical services for Connecticut consumers.

17 other individuals submitted testimony in favor of HB 6449.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Optometrists:

The Connecticut Association of Optometrists lends its support to the Connecticut Association of Opticians in their opposition to amending those statutes that regulate their training and mode of practice. As stated in the testimony, "[w]e support the Connecticut opticians' concern that lessening their licensing requirements will result in undertrained opticians caring for Connecticut patients.

The citizens of Connecticut have grown to expect the elevated level of care received by the professional opticians serving them." Additionally, the bill, specifically the Warby Parker proposal, would "significantly dilute" statutes that require an optician to be on the premises of a provider, which could lead to "undertrained apprentices unsupervised to care for patients."

Moreover, "Warby Parker's proposal has no impact on the practice of optometry in Connecticut. However, it will negatively impact the quality of our optician program graduates and their understanding of the fabrication of eyewear. In turn, this will negatively impact the care that citizens of Connecticut receive."

SEIU 1199NE:

SEIU 1199NE offers written testimony in opposition of this bill. District 1199 represents about 26,000 health care workers in Connecticut across the public and private sectors in Connecticut, "including 15,000 of them are workers in the long-term care sector which has been ravaged by the COVID pandemic in the last year." As stated in the testimony, SEIU 1199NE believes this legislation undermines robust occupational licensing, "which is a key mechanism to ensure that health care professionals are highly educated, trained and

experienced by using the guise of luring professionals to Connecticut by making it easier for them to get licensed to practice here." District 1199 believes that workers do not avoid moving to Connecticut because they have had to apply for a license for their job, and that licensing has no impact on interstate mobility. This bill devalues the training, knowledge, and expertise of our licensed professionals.

Sal Luciano, President Connecticut AFL-CIO:

Connecticut AFL-CIO is a federation of hundreds of local unions representing more than 220,000 workers in the private sector, public sector, and building trades, offers opposition to this bill. This legislation dilutes occupational licensing standards and thereby compromises patient safety and public health.

As written in the testimony, "this bill undermines robust occupational licensing, which is a key mechanism to ensure that health care professionals are highly educated, trained and experienced. It is the most effective way that Connecticut consumers can have confidence in the quality of services they provide." In addition, licensing systems influence wages, consumer prices, employment and mobility. "This bill lowers the bar for workers from out-of-state.

Without knowing the quality of education, types of training, years of experience or other licensing requirements in other states, it allows out-of-state workers to receive a Connecticut license by just passing a test." Overall, AFL-CIO is in opposition of the passage of this legislation.

8 other individuals submitted testimony in opposition of HB 6449.

Reported by: Kassandra Fruin

Date:3/30/2021