

S.B. NO. 1323

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE PROFESSIONAL AND VOCATIONAL LICENSING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 436B-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§436B-9 Action on applications; abandoned applications.~~

4 (a) Unless otherwise provided by law, each licensing authority
5 shall take the following actions within one year after the
6 filing of a complete application for licensure:

7 (1) If it deems appropriate, conduct an investigation of
8 the applicant; and

9 (2) Notify the applicant in writing by mail of the
10 decision regarding the application for licensure[~~-~~]
11 addressed to the last address on file with the
12 licensing authority. If the application has been
13 denied, written notice of the decision shall state
14 specifically the reason for denying the application
15 and shall inform the applicant of the right to a
16 hearing under chapter 91.

17 (b) An [~~application~~] applicant whose application for
18 license is incomplete shall be considered to [~~be~~] have abandoned

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1 ~~the application if [an applicant fails to provide evidence of~~
2 ~~continued efforts to complete the licensing process for two~~
3 ~~consecutive years; provided that the failure to provide evidence~~
4 ~~of continued efforts includes but is not limited to:~~

5 ~~(1) Failure to submit the required documents and other~~
6 ~~information requested by the licensing authority~~
7 ~~within two consecutive years from the last date the~~
8 ~~documents or other information were requested; or~~

9 ~~(2) Failure to provide the licensing authority with any~~
10 ~~written communication during two consecutive years~~
11 ~~indicating that the applicant is attempting to~~
12 ~~complete the licensing process, including but not~~
13 ~~limited to attempting to complete the examination~~
14 ~~requirement; and~~

15 ~~provided further that the licensing authority may extend the~~
16 ~~above time periods by rule. The licensing authority shall not~~
17 ~~be required to act on any abandoned application, and the~~
18 ~~application may be destroyed by the licensing authority or its~~
19 ~~delegate. If the application is deemed abandoned by the~~
20 ~~licensing authority, the applicant shall be required to reapply~~
21 ~~for licensure and comply with the licensing requirements in~~
22 ~~effect at the time of reapplication.] the applicant does not~~

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1 submit all required documents, data, and information within a
2 period of one year from the date of mailing to the applicant by
3 the licensing authority of a written notice that the application
4 is incomplete addressed to the last address on file with the
5 licensing authority.

6 (c) An applicant whose application for examination has
7 been accepted shall be considered to have abandoned the
8 application if the applicant does not take such examination
9 within a one-year period from the date of a written notice of
10 eligibility to take the examination, addressed to the last known
11 address on file with the licensing authority.

12 (d) An applicant whose application for examination has
13 been rejected shall be considered to have abandoned the
14 application if the applicant does not submit evidence that all
15 deficiencies specified in a written notice of rejection and take
16 an examination within a one-year period from the date of the
17 written notice addressed to the last address on file with the
18 licensing authority.

19 (e) Submission of additional data, requests for
20 reconsideration or re-evaluation, or other inquiries or
21 statements involving an application shall not extend the

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1 respective time periods specified in subsections (b), (c), and
2 (d).

3 (f) The licensing authority shall not be required to act
4 on any abandoned application, and the application may be
5 destroyed by the licensing authority or its delegate. An
6 application submitted subsequent to the abandonment of a former
7 application shall be treated as a new application. The
8 applicant shall comply with the licensing requirements in effect
9 at the time of reapplication."

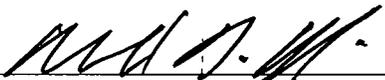
10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



15

BY REQUEST

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Report Title:

Professional and Vocational Licensing; Abandonment

Description:

Amends the Professional and Vocational Licensing Act to reduce the time frame for which an application is considered abandoned from two years to one year and to specify how this one-year period applies to the process for applications for examination.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE PROFESSIONAL AND VOCATIONAL LICENSING ACT.

PURPOSE: Amends the Professional and Vocational Licensing Act to reduce the time frame for which an application is considered abandoned from two years to one year and to specify how this one-year period applies to the process for applications for examination.

MEANS: Amend section 436B-9, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division (PVL or Division) is experiencing a high backlog of certain healthcare license applications. The backlog is mainly technical in nature, existing primarily as a result of the fact that since the COVID-19 pandemic began, many traveling healthcare professionals initiated applications, but did not move forward with completing the application due to the temporary nature of their employment under emergency proclamations. The applications are essentially abandoned, but current law keeps an application open for two years. This measure would reduce the time frame an application is considered open from two years to one year.

The proposed change would increase the PVL's efficiency and resource allocation by allowing the Division's records to more accurately reflect applications requiring active attention and processing.

Impact on the public: Improved service from the Department's Division.

Impact on the department and other agencies:
The proposed change would increase the PVLD's efficiency and resource allocation by allowing the Division's records to more accurately reflect applications requiring active attention and processing.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-105.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon Approval.