

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 717
PROPOSED COMMITTEE SUBSTITUTE S717-CSBH-33 [v.3]
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Short Title: PED/Military Occupational Licensure.

(Public)

Sponsors:

Referred to:

May 14, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPEDITE OCCUPATIONAL LICENSURE FOR MILITARY SPOUSES,
3 PUBLICIZE LICENSURE INFORMATION, AND REPORT DATA REGARDING
4 APPLICANTS WHO ARE MILITARY SPOUSES AND APPLICANTS THAT HAVE
5 MILITARY TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE
6 PROGRAM EVALUATION OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 93B-15.1 reads as rewritten:

9 **"§ 93B-15.1. Licensure for individuals with military training and experience; proficiency
10 examination; licensure by endorsement for military spouses; temporary license.**

11 (a) Except as provided by subsection (a2) of this section, and notwithstanding any other
12 provision of law, an occupational licensing board, or State agency licensing board, as defined in
13 G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to
14 allow the applicant to lawfully practice the applicant's occupation in this State if, upon application
15 to an occupational licensing ~~board~~, board or State agency licensing board, the military-trained
16 applicant satisfies the following conditions:

- 17 (1) Has been awarded a military occupational specialty and has done all of the
18 following at a level that is substantially equivalent to or exceeds the
19 requirements for licensure, certification, or registration of the occupational
20 licensing board or State agency licensing board from which the applicant is
21 seeking licensure, certification, or registration in this State: completed a
22 military program of training, completed testing or equivalent training and
23 experience, and performed in the occupational specialty.
- 24 (2) Has engaged in the active practice of the occupation for which the person is
25 seeking a license, certification, or permit from the occupational licensing
26 board or State agency licensing board in this State for at least two of the five
27 years preceding the date of the application under this section.
- 28 (3) Has not committed any act in any jurisdiction that would have constituted
29 grounds for refusal, suspension, or revocation of a license to practice that
30 occupation in this State at the time the act was committed and has no pending
31 complaints.
- 32 (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
33 to applications submitted on or after that date.

34 (a1) No later than ~~30~~ seven business days following receipt of an ~~application~~, application
35 from a military-trained applicant, an occupational licensing board or State agency licensing board
36 shall notify an applicant when the applicant's military training or experience does not satisfy the



requirements for licensure, certification, or registration and shall specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination. If a military-trained applicant has a pending complaint under subdivision (3) of subsection (a) of this section, an occupational licensing board or State agency licensing board shall notify the applicant no later than seven business days following the board receiving written notice of the disposition of the pending complaint.

(a2) An occupational licensing board, board or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if the military-trained applicant, upon application to the occupational licensing board, board or State agency licensing board, satisfies the following conditions:

- (1) Presents official, notarized documentation, such as a U.S. Department of Defense Form 214 (DD-214), or similar substantiation, attesting to the applicant's military occupational specialty certification and experience in an occupational field within the board's purview; and
- (2) Passes a proficiency examination offered by the board to military-trained applicants in lieu of satisfying the conditions set forth in subsection (a) of this section; however, if an applicant fails the proficiency examination, then the applicant may be required by the board to satisfy those conditions.

In any case where a proficiency examination is not offered routinely by an occupational licensing ~~board, board or State agency licensing board~~, the board shall design a fair proficiency examination for military-trained applicants to obtain licensure, certification, or registration under this section. If a proficiency examination is offered routinely by an occupational licensing ~~board, board or State agency licensing board~~, that examination shall satisfy the requirements of this section.

(b) Notwithstanding any other provision of law, an occupational licensing ~~board, board or State agency licensing board~~, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in this State if, upon application to an occupational licensing ~~board, board or State agency licensing board~~, the military spouse satisfies the following conditions:

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration of the occupational licensing board or State agency licensing board for which the applicant is seeking licensure, certification, or registration in this State.
- (2) Can demonstrate competency in the occupation through methods as determined by the Board, such as having completed continuing education units or having had recent experience for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
- (4) Is in good standing; has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit; and has no pending complaints.
- (5) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable to applications submitted on or after that date.

(b1) No later than seven business days following receipt of an application from a military spouse, an occupational licensing board or State agency licensing board, shall notify an applicant when the applicant's training or experience does not satisfy the requirements for licensure,

certification, or registration and shall specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination. If an applicant who is a military spouse has a pending complaint under subdivision (4) of subsection (b) of this section, an occupational licensing board or State agency licensing board, shall notify the applicant no later than seven business days following the board receiving written notice of the disposition of the pending complaint.

(c) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (a) or (b) of this section.

(c1) Each occupational licensing board or State agency licensing board shall publish ~~a~~ on its Web site all of the following:

(1) A document that lists the specific criteria or requirements for licensure, registration, or certification by the board, with a description of the criteria or requirements that are satisfied by military training or experience as provided in this section, and any necessary documentation needed for obtaining the credit or satisfying the requirement. ~~The information required by this subsection shall be published on the occupational licensing board's Web site and the Web site of the Department of Military and Veterans Affairs.~~

(2) A document that includes a summary of the opportunities available to veterans and military spouses under this section.

(c2) The Secretary of the Department of Military and Veterans Affairs shall publish on the Department's Web site the information required under subsection (c1) of this section.

(d) A nonresident licensed, certified, or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified, or registered by an occupational licensing board or State agency licensing board in this State.

(e) Nothing in this section shall be construed to apply to the practice of law as regulated under Chapter 84 of the General Statutes.

(f) An occupational licensing board or State agency licensing board, shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an ~~occupation~~ occupational licensing board or State agency licensing board in this State. The temporary permit shall remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board.

(g) An occupational licensing board or State agency licensing board may adopt rules necessary to implement this section.

(h) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board or State agency licensing board in this State.

(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by this section, a local board of education may request a three-year limited license for a military spouse who holds a current teaching license in another jurisdiction pursuant to G.S. 115C-270.20(a)(4a). The State Board of Education shall report the information specified in G.S. 93B-2(a)(9c) and (9d) in accordance with G.S. 93B-2.

(j) For the purposes of this section, the North Carolina Medical Board shall not be considered an occupational licensing ~~board~~ board or State agency licensing board.

(k) An occupational licensing board ~~or State agency licensing board~~ shall not charge a military-trained applicant or a military spouse an initial application fee for a license, certification, registration, or temporary practice permit issued pursuant to this section. Nothing in this subsection shall be construed to prohibit an occupational licensing board ~~or State agency licensing board~~ from charging its ordinary fee for a renewal application or prohibit a third party from charging actual costs for a service such as a background check."

SECTION 2.(a) G.S. 93B-2 reads as rewritten:

"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to report.

(a) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

...

(9c) The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

(9d) The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

...

(b1) No later than October 31 of each year, each occupational licensing board or State agency licensing board, shall file electronically with the Secretary of the Department of Military and Veterans Affairs information collected pursuant to G.S. 93B-2(a)(9c) and (9d).

...

(e) No later than October 31 of each year, each State agency licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

...

(3) The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

(4) The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant."

SECTION 2.(b) By October 31, 2021, each occupational licensing board shall include the data specified in G.S. 93B-2(a)(9c) and (9d), as provided for in this act, for fiscal year 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(a). By October 31, 2021, each State agency licensing board shall include the data specified in G.S. 93B-2(e)(3) and (4), as provided for in this act, for fiscal year 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(e).

1 **SECTION 3.** This act becomes effective December 1, 2020, and applies to
2 applications for licensure received on or after that date.