



## REMOVING LICENSURE IMPEDIMENTS FOR MILITARY SPOUSES

### BEST PRACTICES

#### SUBJECT:

States can modify licensing requirements and processes that impede military spouses from becoming employed following a military move.

#### PRINCIPLES:

States have enacted changes to their licensing statutes that have mitigated the challenges for military spouses in the following ways:

- *Modify license by endorsement, which allows a state board or regulator to recognize active credentials from another state, to allow options that accommodate gaps in employment for military spouses with active licenses from another state*
- *Provide temporary licenses to allow a military spouse with a current license to secure employment while completing state requirements that may be different from what was required by the previous licensing state or while awaiting verification of current license, certification and/or employment history for an endorsement — State can issue a temporary license or allow the applicant to work on a current license until obtaining the new license*
- *Expedite procedures for regulatory department or board approval to provide opportunity for spouses to obtain an endorsed or temporary license by allowing —*
  - *Licensing boards to approve a license based on an application certified by affidavit as being accurate and that verification documentation has been requested*
  - *The director of the overseeing agency authority to approve applications on behalf of the licensing boards*
  - *Military spouses to seek employment using their current out-of-state licenses for the duration of their sponsor's assignment*

The Department of Defense views these options as having a cumulative effect when applied together to provide military spouses flexibility to overcome the circumstances that limit their professional opportunities. The DoD encourages states to enact changes that will support all three approaches.

#### Best practices examples

- *Modifying license by endorsement*
  - Colorado House Bill 1175 (2010)<sup>1</sup> allows applicants the option of showing minimum recent employment in the occupation *or* fulfilling proficiency requirements in the occupation as determined by each individual board and for the director overseeing these boards (example — dental hygienists):
    - *The board shall issue a license to an applicant duly licensed as a dental hygienist in another state or territory of the United States who has submitted*

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<sup>1</sup> Colorado House Bill 1175, <http://www.leg.state.co.us>.

*credentials and qualifications for licensure in Colorado. Such credentials and qualifications shall include:*

- *(III) (A) Verification that the applicant has been engaged either in clinical practice or in teaching dental hygiene or dentistry in an accredited program for at least one year during the three years immediately preceding the date of the receipt of the application; or*
- *(B) Evidence that the applicant has demonstrated competency as a dental hygienist as determined by the board;*
- *Unless otherwise prohibited by Title 12, C.R.S., an applicant for certification, registration or licensure by endorsement may demonstrate competency in a specific occupation or profession as determined by the director in lieu of a requirement that the applicant has worked or practiced in that occupation or profession for a period of time prior to the application for endorsement.*
- North Carolina House Bill 799, Section 1 (2012)<sup>2</sup>, allows boards to accept other demonstrations of competency, along with expanding the definition of applicable experience:
  - *(b)(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*
  - *(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.*
- *Providing temporary licenses*
  - Tennessee House Bill 968 (2011)<sup>3</sup> mandates expedited endorsement for applicants who hold a valid license from another state, and provides a temporary license as an option in the event the applicant does not meet all Tennessee's requirements:
    - *(1) Notwithstanding any other law to the contrary, each health related board shall establish a procedure to expedite the issuance of a license, certification or permit to perform professional services regulated by each such board to a person:*
      - (A) Who is certified or licensed in another state to perform professional services in a state other than Tennessee;*
      - (B) Whose spouse is a member of the U.S. Armed Forces;*
      - (C) Whose spouse is the subject of a military transfer to Tennessee; and*
      - (D) Who left employment to accompany the person's spouse to Tennessee.*
    - *(2) The procedure shall include:*
      - (A) Issuing the person a license, certificate or permit, if, in the opinion of the board, the requirements for certification or licensure of such other state are*

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<sup>2</sup> North Carolina House Bill 799, Section 1

<sup>3</sup> Tennessee House Bill 968, <http://wapp.capitol.tn.gov>

*substantially equivalent to that required in this state; or*

*(B) Developing a method to authorize the person to perform professional services regulated by the board in this state by issuing the person a temporary permit for a limited period of time to allow the person to perform professional services while completing any specific requirements that may be required in this state that were not required in the state in which the person was licensed or certified.*

- Colorado House Bill 1059<sup>4</sup> allows military spouses to work temporarily in the new state with a current license from another state:
  - *12-71-101. definitions. as used in this article, unless the context otherwise requires:*
    - (1) "Agency" means an agency of the state that regulates a profession or occupation under this title.*
    - (2) "Authority to practice" or "authorized to practice" means the holding of a currently valid license to practice in a profession or occupation or a currently valid certification or registration necessary to practice in a profession or occupation if the person is licensed, certified, or registered under this title or a substantially similar law in another state.*
    - (3) "Military spouse" means the spouse of a person who is actively serving in the U.S. Armed Forces and who is stationed in Colorado in accordance with military orders.*
  - *12-71-102. authority to practice - reciprocity.*
    - (1) Notwithstanding any other article of this title, a person need not obtain authority to practice an occupation or profession under this title during the person's first year of residence in Colorado if:*
      - (a) The person is a military spouse who is authorized to practice that occupation or profession in another state;*
      - (b) Other than the person's lack of licensure, registration, or certification in Colorado, there is no basis to disqualify the person under this title; and*
      - (c) The person consents, as a condition of practicing in Colorado, to be subject to the jurisdiction and disciplinary authority of the appropriate agency.*
    - (2) This section does not prevent an agency from entering into a reciprocity agreement with the regulating authority of another state or jurisdiction if otherwise authorized by law.*
    - (3) This section does not apply to authority to practice under article 25, 28, 36, 40, or 61 of this title.*
  - *12-71-103. notice.*
    - (1) Agency. If a person who is practicing in Colorado under section 12-71-102 applies for authority to continue to practice after the first year under another article of this title, the applicant shall notify the agency receiving the*

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<sup>4</sup> Colorado House Bill 1059

*application of the following:*

- (a) The applicant is currently practicing in Colorado under this article;*
- (b) The date the applicant began practicing in Colorado; and*
- (c) The name and contact information of any person employing the applicant to practice in Colorado.*

*(2) Employer. If an agency denies the application for authority to practice under this title, the agency shall notify the employer that the person was denied authority to continue to practice under this title.*

- *Expediting procedures for regulatory department or board approval*
  - Licensing boards approve a license based on an application certified by affidavit as being accurate and that verification documentation has been requested. Montana House Bill 94 (2011)<sup>5</sup> provides the basis for boards to provide expedited endorsement or temporary licenses for applicants, based on their affirmation that their applications are accurate and that they have requested the necessary validating documentation:
    - *...The license may be issued until the board receives if the applicant affirms or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from the other state or states, the board may summarily suspend the license pending further action to discipline or revoke the license.*
    - *...The permit may be issued in the board's discretion if the applicant verifies or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from the other state or states, the board may summarily suspend the license pending further action to discipline or revoke the license.*
  - The director of the overseeing agency authority approves applications on behalf of the licensing boards. The Colorado Department of Regulatory Authority has an agreement with the boards it oversees to process applications with no gaps or discrepancies. The questionable ones, such as those with an outstanding investigation, go to the board.
  - Military spouses can seek employment using their current out-of-state licenses for the duration of their sponsor's assignment. Utah House Bill 384 58-1-307 (2011)<sup>6</sup> provides an exemption from requiring a Utah license during the time the military spouse resides in Utah as part of a military assignment:
    - *Except as otherwise provided by statute or rule, the following individuals*

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<sup>5</sup>Montana House Bill 94, <http://leg.mt.gov>.

<sup>6</sup> Utah House Bill 384 58-1-307

*may engage in the practice of their occupation or profession, subject to the stated circumstances and limitations, without being licensed under this title:*

*(k) The spouse of an individual serving in the armed forces of the United States while the individual is stationed within this state, provided:*

*(i) The spouse holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;*

*(ii) The license is current and the spouse is in good standing in the state of licensure*