

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 799
Second Edition Engrossed 6/6/11
Senate Commerce Committee Substitute Adopted 6/7/12
PROPOSED SENATE COMMITTEE SUBSTITUTE H799-PCS80409-SU-30

Short Title: Licensure by Endorsement/Military/Spouses.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL
3 AND MILITARY SPOUSES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 93B of the General Statutes is amended by adding a new
6 section to read:

7 **"§ 93B-15.1. Licensure for individuals with military training and experience; licensure by**
8 **endorsement for military spouses; temporary license.**

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

14 (1) Has been awarded a military occupational specialty and has done all of the
15 following at a level that is substantially equivalent to or exceeds the
16 requirements for licensure, certification, or registration of the occupational
17 licensing board from which the applicant is seeking licensure, certification,
18 or registration in this State: completed a military program of training,
19 completed testing or equivalent training and experience as determined by the
20 board, and performed in the occupational specialty.

21 (2) Has engaged in the active practice of the occupation for which the person is
22 seeking a license, certification, or permit from the occupational licensing
23 board in this State for at least two of the five years preceding the date of the
24 application under this section.

25 (3) Has not committed any act in any jurisdiction that would have constituted
26 grounds for refusal, suspension, or revocation of a license to practice that
27 occupation in this State at the time the act was committed.

28 (4) Pays any fees required by the occupational licensing board for which the
29 applicant is seeking licensure, certification, or registration in this State.

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



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1 upon application to an occupational licensing board, the military spouse satisfies the following
2 conditions:

3 (1) Holds a current license, certification, or registration from another
4 jurisdiction, and that jurisdiction's requirements for licensure, certification,
5 or registration are substantially equivalent to or exceed the requirements for
6 licensure, certification, or registration of the occupational licensing board for
7 which the applicant is seeking licensure, certification, or registration in this
8 State.

9 (2) Can demonstrate competency in the occupation through methods as
10 determined by the Board, such as having completed continuing education
11 units or having had recent experience for at least two of the five years
12 preceding the date of the application under this section.

13 (3) Has not committed any act in any jurisdiction that would have constituted
14 grounds for refusal, suspension, or revocation of a license to practice that
15 occupation in this State at the time the act was committed.

16 (4) Is in good standing and has not been disciplined by the agency that had
17 jurisdiction to issue the license, certification, or permit.

18 (5) Pays any fees required by the occupational licensing board for which the
19 applicant is seeking licensure, certification, or registration in this State.

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

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

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

30 (f) An occupational licensing board may issue a temporary practice permit to a
31 military-trained applicant or military spouse licensed, certified, or registered in another
32 jurisdiction while the military-trained applicant or military spouse is satisfying the
33 requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has
34 licensure, certification, or registration standards substantially equivalent to the standards for
35 licensure, certification, or registration of an occupational licensing board in this State. The
36 military-trained applicant or military spouse may practice under the temporary permit until a
37 license, certification, or registration is granted or until a notice to deny a license, certification,
38 or registration is issued in accordance with rules adopted by the occupational licensing board.

39 (g) An occupational licensing board may adopt rules necessary to implement this
40 section.

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

44 (i) For the purposes of this section, the State Board of Education shall be considered an
45 occupational licensing board when issuing teacher licenses under G.S. 115C-296.

46 (j) For the purposes of this section, the North Carolina Medical Board shall not be
47 considered an occupational licensing board."

48 **SECTION 2.** Within one year from the effective date of this act, each occupational
49 licensing board regulating an occupation in this State and subject to the provisions of Chapter
50 93B of the General Statutes shall implement the requirements of G.S. 93B-15.1, as enacted by
51 Section 1 of this act.

1 **SECTION 3.** The Legislative Research Commission shall study the issue of
2 allowing licensure by the North Carolina Medical Board for individuals with military training
3 and experience, for military spouses by endorsement, and for temporary licenses for
4 military-trained applicants or military-spouse applicants. The Commission shall make a report
5 on this issue, including any recommendations or legislative proposals, to the 2013 Regular
6 Session of the General Assembly upon its convening.

7 **SECTION 4.** This act is effective when it becomes law.