

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS45188-LR-90B (03/12)

Short Title: Workforce Enrichment/Veterans.

(Public)

Sponsors: Senators Rabin, Sanderson, and J. Jackson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENRICH THE STATE'S WORKFORCE BY REQUIRING OCCUPATIONAL LICENSING BOARDS TO LICENSE MILITARY-TRAINED VETERANS WHO PASS A PROFICIENCY EXAMINATION OFFERED BY THE OCCUPATIONAL LICENSING BOARD FOR VETERANS.

The General Assembly of North Carolina enacts:

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

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

(a) ~~Notwithstanding~~ Except as provided by subsection (a2) of this section, and notwithstanding any other provision of law, an occupational 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, upon application to an occupational licensing board, the applicant satisfies the following conditions:

- (1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty.
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing board in this State 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) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(a1) No later than 30 days following receipt of an application, an occupational licensing board 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.



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

5 (1) Presents official, notarized documentation, such as a U.S. Department of
6 Defense Form 214 (DD-214), or similar substantiation, attesting to the
7 applicant's military occupational specialty certification and experience in an
8 occupational field within the board's purview; and

9 (2) Passes a proficiency examination offered by the board to military-trained
10 applicants in lieu of satisfying the conditions set forth in subsection (a) of
11 this section; however, if an applicant fails the proficiency examination, then
12 the applicant may be required by the board to satisfy those conditions.

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

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

23 (1) Holds a current license, certification, or registration from another
24 jurisdiction, and that jurisdiction's requirements for licensure, certification,
25 or registration are substantially equivalent to or exceed the requirements for
26 licensure, certification, or registration of the occupational licensing board for
27 which the applicant is seeking licensure, certification, or registration in this
28 State.

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

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

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

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

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

45 (c1) Each occupational licensing board shall publish a document that lists the specific
46 criteria or requirements for licensure, registration, or certification by the board, with a
47 description of the criteria or requirements that are satisfied by military training or experience as
48 provided in this section, and any necessary documentation needed for obtaining the credit or
49 satisfying the requirement. The information required by this subsection shall be published on
50 the occupational licensing board's Web site and the Web site of the North Carolina Division of
51 Veterans Affairs.

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

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

6 (f) An occupational licensing board may issue a temporary practice permit to a
7 military-trained applicant or military spouse licensed, certified, or registered in another
8 jurisdiction while the military-trained applicant or military spouse is satisfying the
9 requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has
10 licensure, certification, or registration standards substantially equivalent to the standards for
11 licensure, certification, or registration of an occupational licensing board in this State. The
12 military-trained applicant or military spouse may practice under the temporary permit until a
13 license, certification, or registration is granted or until a notice to deny a license, certification,
14 or registration is issued in accordance with rules adopted by the occupational licensing board.

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

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

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

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

24 **SECTION 2.** This act is effective when it becomes law.