

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

D

SENATE BILL 717
PROPOSED COMMITTEE SUBSTITUTE S717-PCS35413-BH-33

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 or
26 State agency licensing board in this State for at least two of the five years
27 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- 32 (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable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 either issue a license, certification, or registration or notify an applicant when the applicant's



* S 7 1 7 - P C S 3 5 4 1 3 - B H - 3 3 *

1 military training or experience does not satisfy the requirements for licensure, certification, or
2 registration and ~~shall~~ specify the criteria or requirements that the board determined that the
3 applicant failed to meet and the basis for that determination. If a military-trained applicant has a
4 pending complaint under subdivision (3) of subsection (a) of this section, an occupational
5 licensing board or State agency licensing board shall notify the applicant no later than seven
6 business days following the board receiving written notice of the disposition of the pending
7 complaint.

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

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

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

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

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

50 (b1) No later than seven business days following receipt of an application from a military
51 spouse, an occupational licensing board or State agency licensing board shall either issue a

1 license, certification, or registration or notify an applicant when the applicant's training or
2 experience does not satisfy the requirements for licensure, certification, or registration and
3 specify the criteria or requirements that the board determined that the applicant failed to meet
4 and the basis for that determination. If an applicant who is a military spouse has a pending
5 complaint under subdivision (4) of subsection (b) of this section, an occupational licensing board
6 or State agency licensing board shall notify the applicant no later than seven business days
7 following the board receiving written notice of the disposition of the pending complaint.

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

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

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

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

23 (c2) The Secretary of the Department of Military and Veterans Affairs shall publish on the
24 Department's Web site the information required under subsection (c1) of this 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 or State agency 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 or State agency licensing board, shall issue a
31 temporary practice permit to a military-trained applicant or military spouse licensed, certified, or
32 registered in another jurisdiction while the military-trained applicant or military spouse is
33 satisfying the requirements for licensure under subsection (a) or (b) of this section within seven
34 business days following receipt of an application, if that jurisdiction has licensure, certification,
35 or registration standards substantially equivalent to the standards for licensure, certification, or
36 registration of an ~~occupation~~ occupational licensing or State agency licensing board in this State.
37 The practice permit shall be issued using the same information as provided by the applicant in
38 the licensure application and remain valid for the later of one year or the required renewal date
39 for the occupation the temporary practice permit was issued for or until a license, certification,
40 or registration is granted by the occupational licensing ~~board~~ board or State agency licensing
41 board. A temporary practice permit may be denied or revoked for a pending complaint after
42 notice is provided to the military-trained applicant or military spouse as set forth under subsection
43 (a1) or (b1) of this section.

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

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

50 (i) For the purposes of this section, the State Board of Education shall be considered an
51 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V

1 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by
2 this section, a local board of education may request a three-year limited license for a military
3 spouse who holds a current teaching license in another jurisdiction pursuant to
4 G.S. 115C-270.20(a)(4a). The State Board of Education shall report the information specified in
5 G.S. 93B-2(a)(9c) and (9d) in accordance with G.S. 93B-2.

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

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

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

15 **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**
16 **report.**

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

21 ...

22 (9c) The number of applicants with military training, the number granted a license,
23 the number denied a license for any reason, and a summary of the reasons for
24 denial. The information provided in accordance with this subdivision shall not
25 disclose any identifying information of any applicant.

26 (9d) The number of applicants who are military spouses, the number granted a
27 license, the number denied a license for any reason, and a summary of the
28 reasons for denial. The information provided in accordance with this
29 subdivision shall not disclose any identifying information of any applicant.

30 ...

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

34 ...

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

39 ...

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

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

48 **SECTION 2.(b)** By October 31, 2021, each occupational licensing board shall
49 include the data specified in G.S. 93B-2(a)(9c) and (9d), as provided for in this act, for fiscal year
50 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint
51 Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(a). By

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

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