



Bill Draft 2019-NBz-60: PED/Military Occupational Licensure.

2019-2020 General Assembly

Committee:		Date:	February 10, 2020
Introduced by:		Prepared by:	Jacob A. Davis
Analysis of:	2019-NBz-60		Staff Attorney

OVERVIEW: 2019-NBz-60 would:

- Clarify the applicability of current statutory language requiring an expedited occupational licensure application response deadline of 30 days when an applicant is a military-trained applicant.
- Require an expedited occupational licensure application response deadline of 30 days when an applicant is a military spouse.
- Require all occupational licensing boards to publish a document on each board's website that includes a summary of the opportunities available to veterans and military spouses under G.S. 93B-15.1, which helps these individuals attain licensure in North Carolina in an expedited manner. The Secretary of the Department of Military and Veterans Affairs will be required to publish the information provided by occupational licensing boards under this section on the Department's website.

BILL ANALYSIS: 2019-NBz-60 is based on recommended changes resulting from the Program Evaluation Division's study of whether opportunities exist to further ease burden on military-trained applicants and military spouses in obtaining occupational licensure.

Section 1: Requires occupational licensing boards to notify an applicant who is a military spouse within 30 days of receipt of his or her application if the application does not satisfy the requirements for licensure, certification, or registration, and shall specify the criteria or requirements that the applicant failed to meet and the basis for that determination. It also directs occupational licensing boards to publish a document that summarizes the legal opportunities available to veterans and military spouses to help obtain a professional license in an expedited manner. The Secretary of the Department of Military and Veterans Affairs is directed to publish on the Department's website the information made available by each occupational licensing board regarding an expedited application process for veterans and military spouses.

Section 2: Requires occupational licensing boards to collect and report to the General Assembly beginning on October 31, 2021, and each year thereafter, the number of applicants who are military-trained or military spouses, including the number of licenses granted, denied, and summaries of the reasons for denials for Fiscal Year 2019-2020.

Section 3: Allows occupational licensing boards to adopt temporary rules to implement the provisions of this act.

EFFECTIVE DATE: This act would become effective July 1, 2020, and would apply to applications for licensure received on or after that date.

Kory Goldsmith
Director



Legislative Drafting
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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BILL DRAFT 2019-NBz-60 [v.14]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: PED/Military Occupational Licensure.

(Public)

Sponsors:

Referred to:

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 A PROGRAM EVALUATION
6 DIVISION REPORT.

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

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

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

27 (3) Has not committed any act in any jurisdiction that would have constituted
28 grounds for refusal, suspension, or revocation of a license to practice that
29 occupation in this State at the time the act was committed and has no pending
30 complaints.

31 (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
32 to applications submitted on or after that date.

33 (a1) No later than 30 days following receipt of an ~~application~~, application from a
34 military-trained applicant, an occupational licensing board shall notify an applicant when the



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1 applicant's military training or experience does not satisfy the requirements for licensure,
2 certification, or registration and shall specify the criteria or requirements that the board
3 determined that the applicant failed to meet and the basis for that determination.

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

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

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

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

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

43 (b1) No later than 30 days following receipt of an application from a military spouse, an
44 occupational licensing board shall notify an applicant when the applicant's training or experience
45 does not satisfy the requirements for licensure, certification, or registration and shall specify the
46 criteria or requirements that the board determined that the applicant failed to meet and the basis
47 for that determination.

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

1 (c1) Each occupational licensing board shall publish on its website all of the following:

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

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

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

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

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

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

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

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

31 (i) For the purposes of this section, the State Board of Education shall be considered an
32 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V
33 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by
34 this section, a local board of education may request a three-year limited license for a military
35 spouse who holds a current teaching license in another jurisdiction pursuant to
36 G.S. 115C-270.20(a)(4a).

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

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

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

45 **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**
46 **report.**

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

51 (1) The address of the board, and the names of its members and officers.

- 1 (1a) The total number of licensees supervised by the board.
- 2 (2) The number of persons who applied to the board for examination.
- 3 (3) The number who were refused examination.
- 4 (4) The number who took the examination.
- 5 (5) The number to whom initial licenses were issued.
- 6 (5a) The number who failed the examination.
- 7 (6) The number who applied for license by reciprocity or comity.
- 8 (7) The number who were granted licenses by reciprocity or comity.
- 9 (7a) The number of official complaints received involving licensed and unlicensed
- 10 activities.
- 11 (7b) The number of disciplinary actions taken against licensees, or other actions
- 12 taken against nonlicensees, including injunctive relief.
- 13 (8) The number of licenses suspended or revoked.
- 14 (9) The number of licenses terminated for any reason other than failure to pay the
- 15 required renewal fee.
- 16 (9a) The number of applicants for a license and, of that number, the number
- 17 granted a license.
- 18 (9b) The number of applicants with a conviction record and, of that number, the
- 19 number granted a license, denied a license for any reason, and denied a license
- 20 because of a conviction.
- 21 (9c) The number of applicants with military training, the number granted a license,
- 22 the number denied a license for any reason, and a summary of the reasons for
- 23 denial. The information provided in accordance with this subdivision shall not
- 24 disclose any identifying information of any applicant.
- 25 (9d) The number of applicants who are military spouses, the number granted a
- 26 license, the number denied a license for any reason, and a summary of the
- 27 reasons for denial. The information provided in accordance with this
- 28 subdivision shall not disclose any identifying information of any applicant.
- 29 (10) The substance of any anticipated request by the occupational licensing board
- 30 to the General Assembly to amend statutes related to the occupational
- 31 licensing board.
- 32 (11) The substance of any anticipated change in rules adopted by the occupational
- 33 licensing board or the substance of any anticipated adoption of new rules by
- 34 the occupational licensing board.
- 35 (b) No later than October 31 of each year, each occupational licensing board shall file
- 36 electronically with the Secretary of State, the Attorney General, the Office of State Budget and
- 37 Management, and the Joint Legislative Administrative Procedure Oversight Committee a
- 38 financial report that includes the source and amount of all funds credited to the occupational
- 39 licensing board and the purpose and amount of all funds disbursed by the occupational licensing
- 40 board during the previous fiscal year.
- 41 (c) The reports required by this section shall be open to public inspection.
- 42 (d) The Joint Legislative Administrative Procedure Oversight Committee shall notify any
- 43 board that fails to file the reports required by this section. Failure of a board to comply with the
- 44 reporting requirements of this section by October 31 of each year shall result in a suspension of
- 45 the board's authority to expend any funds until such time as the board files the required reports.
- 46 Suspension of a board's authority to expend funds under this subsection shall not affect the
- 47 board's duty to issue and renew licenses or the validity of any application or license for which
- 48 fees have been tendered in accordance with law. Each board shall adopt rules establishing a
- 49 procedure for implementing this subsection and shall maintain an escrow account into which any
- 50 fees tendered during a board's period of suspension under this subsection shall be deposited.

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

5 (1) The number of applicants for a license and, of that number, the number
6 granted a license.

7 (2) The number of applicants with a conviction record and, of that number, the
8 number granted a license, denied a license for any reason, and denied a license
9 because of a conviction."

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

14 **SECTION 3.** Each occupational licensing board may adopt temporary rules to
15 implement the provisions of this act. The temporary rules shall remain in effect until permanent
16 rules that replace the temporary rules become effective.

17 **SECTION 4.** This act becomes effective July 1, 2020, and applies to applications
18 for licensure received on or after that date.