



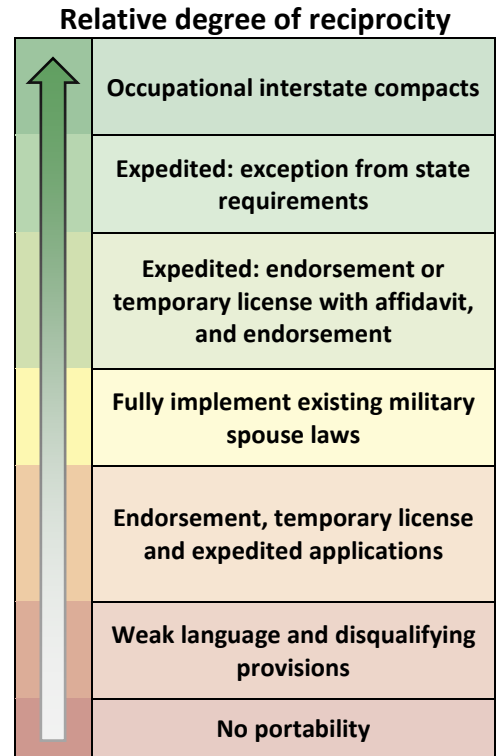
# Best Practices: Enhanced Military Spouse License Portability

## Key Message

State-specific laws are important to reducing the burden associated with the occupational relicensing of military spouses.

## Principles

- From 2011-16, states enacted legislation to modify licensing for military spouses. But many of these new laws did not do enough. Many provisions included “substantial equivalency” evaluations that require military spouses to continue to submit transcripts, test scores and training hours along with previous licenses and work experience.
- States are continuing to make improvements to achieve reciprocity using a variety of approaches, which can be considered on a continuum. The graphic on this page illustrates the relative degree of reciprocity, from no portability in red to full reciprocity through compacts in dark green.



*\*As baseline: license in 30 days with submission of minimal documentation.*

*This chart shows the relative degree of reciprocity, from full reciprocity through compacts between states (in green) to no portability (in red)*

## Examples of Best Practices

### Exemption from State Requirements:

**Arizona House Bill 2569 (2019):** Makes the same provisions for military spouses as it does for all incoming residents and accepts a current license in good standing from an applicant who has been licensed for at least a year. The law exempts military spouses from examinations that may be required by Arizona licensing boards, but requires background checks. The Arizona regulatory authority has said it will check with the issuing state on the standing of the license.



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### Section 32-4302. Out-of-state applicants, residents, military spouses, licensure, certification, exceptions

- A. Notwithstanding any other law, an occupational or professional license or certificate shall be issued in the discipline applied for and at the same practice level as determined by the regulating entity, pursuant to this title to a person who establishes residence in this state, or without an examination, to a person who is married to an active-duty member of the armed forces of the United States and who is accompanying the member to an official permanent change of station to a military installation located in this state, if all of the following apply:

#### Arizona House Bill 2569 (2019) (continued)

#### 32-4302. Out-of-state applicants, residents, military spouses, licensure, certification, exceptions

- 1. The person is currently licensed or certified in at least one other state in the discipline applied for and at the same practice level as determined by the regulating entity, and the license or certification is in good standing in all states in which the person holds a license or certification.*
- 2. The person has been licensed or certified by another state for at least one year.*
- 3. When the person was licensed or certified by another state, there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect, and the other state verifies that the person met those requirements in order to be licensed or certified in that state.*
- 4. The person previously passed an examination required for the license or certification, if required by the other state.*
- 5. The person has not had a license or certificate revoked and has not voluntarily surrendered a license or certificate in any other state or country while under investigation for unprofessional conduct.*
- 6. The person has not had discipline imposed by any other regulating entity. If another jurisdiction has taken disciplinary action against the person, the regulating entity shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the regulating entity may not issue or deny a license until the matter is resolved.*



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7. *The person does not have a complaint, allegation or investigation pending before another regulating entity in another state or country that relates to unprofessional conduct. If an applicant has any complaints, allegations or investigations pending, the regulating entity in this state shall suspend the application process and may not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved.*

8. *The person pays all applicable fees.*

9. *The person does not have a disqualifying criminal history as determined by the regulating entity pursuant to Section 41-1093.04.*

**Florida House Bill 615 (2017):** Requires the Department of Business and Professional Regulation to issue a professional license under specified boards and programs to a military spouse if the applicant provides proof that they are married to an active-duty member, they hold a valid license for the profession issued by any other jurisdiction and they have proof of bonding or insurance, if applicable. A background check is required. The initial licensing application fee is waived. Note: Section 456.024 provides similar provisions to health care professions.

### **Section 455.02 Occupational Opportunity Act.**

*(3)(a) The department shall issue a professional license to an applicant who is or was an active-duty member of the armed forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:*

1. *The applicant is or was an active-duty member of the armed forces of the United States or is married to a member of the armed forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active-duty member of the armed forces of the United States must have received an honorable discharge upon separation or discharge from the armed forces of the United States.*

2. *The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.*

3. *The applicant, where required by specific practice act, has complied with insurance or bonding requirements.*



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*4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check.*

*(b) The department shall waive the applicant's initial licensure application fee.*

*(c) An applicant who is issued a license under this section may renew such license upon completion of the conditions for renewal required of licensure holders under the applicable practice act, including, without limitation, continuing education requirements. This paragraph does not limit the waiver of initial licensure requirements under this subsection.*

**Utah House Bill 384 (2011):** Allows military spouses to use their existing license in good standing from another state to obtain employment in Utah. The Utah boards do not verify the license, but rather have delegated this responsibility to the employer hiring the military spouse. Additionally, if the military spouse violates the Utah practice act for his or her occupation, the applicable board revokes the spouse's exemption from licensure requirements.

### **Section 58-1-307. Exemptions from Licensure.**

*(1) Except as otherwise provided by statute or rule, the following individuals 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.*



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### State Licensing Board Research of State Requirements:

**Texas Senate Bill 1200 (2019):** A military spouse who is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to Texas requirements can engage in a business or occupation in Texas without obtaining a Texas license after submitting proof of the military spouse's residency in Texas and a copy of their identification card. The Texas agency will verify the spouse's license in the other jurisdiction and that it is in good standing. The spouse's out-of-state license will be recognized for the duration of their military member's assignment but for no more than three years. The state agency that issues a license must identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to Texas.

### **Section 55.0041. Recognition of Out-of-State License of Military Spouse.**

*(a) Notwithstanding any other law, a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.*

*(b) Before engaging in the practice of the business or occupation, the military spouse must:*

*(1) Notify the applicable state agency of the spouse's intent to practice in this state.*

*(2) Submit to the agency proof of the spouse's residency in this state and a copy of the spouse's military identification card.*

*(3) Receive from the agency confirmation that:*

*(A) The agency has verified the spouse's license in the other jurisdiction.*

*(B) The spouse is authorized to engage in the business or occupation in accordance with this section.*

*(c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.*



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*(d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).*

*(e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:*

*(1) Identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state.*

*(2) Verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).*

*(f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. The state agency may not charge a fee for the issuance of the license.*

### **Temporary Authority to Work Using a Current License in Good Standing From Another State:**

**Ohio Senate Bill 7 (2020):** Requires state occupational agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio; the exemption is valid for six years. It includes a criminal records check. It waives all fees associated with the issuance of a temporary license or certificate.

#### **Section 4743.04.**

*(D) A department, agency or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in Section 4743.041 of the Revised Code.*

#### **Section 4743.041.**

*(B) Pursuant to division (D) of Section 4743.04 of the Revised Code, a department, agency or office of this state shall issue a temporary license or certificate to practice a trade or profession to an individual, provided that all of the following qualifications are met:*



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*(1) The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction.*

*(2) The individual is in good standing in the state or jurisdiction of licensure or certification.*

*(3) The individual presents adequate proof to the department, agency or office of this state that the individual or the individual's spouse is on military duty in this state.*

*(4) The individual complies with sections 4776.01 to 4776.04 of the Revised Code if a department, agency or office of this state requires an applicant under the law governing the applicable trade or profession to submit to a criminal records check to receive a license or certificate.*

*(C) A department, agency or office of this state may, under this section, issue a regular license or certificate in lieu of issuing a temporary license or certificate, provided that the applicant meets the requirements of this section, and provided that the regular license is issued by the deadline specified in division (D) of this section.*

*(D) ... A department, agency or office of this state shall issue a temporary license or certificate or a regular license under this section, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check ... The department, agency or office of this state shall verify the standing of the license or certificate issued by another state or jurisdiction when the temporary license is up for renewal. No temporary license shall be valid for a period of more than six years.*

*(G) Notwithstanding any other provision of the Revised Code, a department, agency or office of this state shall waive all fees associated with the issuance of a temporary license or certificate issued under this section.*

*(H) Each department, agency or office of this state that issues a license or certificate to practice a trade or profession shall adopt rules under Chapter 119 of the Revised Code as necessary to implement this section.*

*(I) Each department, agency or office of this state that issues a license or certificate to practice a trade or profession shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of veterans services not later than 30 days after the end of the fiscal year. The director shall compile the reports and make them available to the public.*



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**Colorado House Bill 1326 (2020):** Expands an individual's ability to practice an occupation in Colorado. It permits a member of a regulated profession or occupation to include military spouses from another jurisdiction to obtain licensure, certification, registration or enrollment by endorsement, reciprocity or transfer in designated professions or occupations within the Colorado department of regulatory agencies; the exemption is valid for three years. The regulator shall waive the application fee.

### **Section 12-20-202 (3). Occupational Credential Portability Program.**

*(f) Effective January 1, 2021:*

*(I) Except as specified in Subsection (3)(f)(III) of this section, a military spouse duly licensed, certified, registered or enrolled in good standing in another state or United States territory to practice a particular profession or occupation is, upon application to the division for licensure, certification, registration or enrollment in that profession or occupation in this state, entitled to the issuance of a temporary license, certification, registration or enrollment upon submission of satisfactory proof to the regulator, under penalty of perjury, of the applicant's active license, certification, registration or enrollment in another state or United States territory in good standing, and that the applicant has not committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.*

*(II) For the purposes of this Subsection (3)(f):*

*(A) "In good standing" means that a license, certification, registration or enrollment has not been revoked, expired or suspended and against which there are no outstanding disciplinary or adverse actions.*

*(B) "Military spouse" means the spouse of a person who is actively serving in the United States armed forces and who is in Colorado in accordance with military orders.*

*(III) An applicant is not entitled to temporary licensure, certification or enrollment pursuant to Subsection (3)(f) if approving the temporary licensure, certification, registration or enrollment would violate an existing compact or reciprocity agreement or if the regulator demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that:*

*(A) The applicant has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.*

*(B) The applicant's license, certification or enrollment issued by another state or United States territory is not in good standing.*





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*(IV) Notwithstanding any provision of law to the contrary:*

*(A) A temporary license, certification, registration or enrollment issued to a military spouse pursuant to Subsection (3)(f) is valid for three years after the date of issuance and may not be renewed.*

*(B) Each regulator shall waive the application fee for temporary licenses, certifications, registrations or enrollments issued pursuant to this Subsection (3)(f).*

### **Use of an Affidavit with an Application to Issue a License Prior to Receiving Verifying Documents:**

**Mississippi Senate Bill 2117 (2020).** Military Family Freedom Act: Mississippi adjusted the original MFFA model language to meet Department of Defense Spouse Licensure Enhanced Portability 30-day baseline criteria, by requiring boards to issue a temporary practice permit within 30 days after receiving a valid affidavit. This law balances the needs of military spouses to get to work while accommodating licensing boards' schedules, which meet in 120-day increments. Specifically, the law ensures the Coast Guard is considered military, removes board interpretation of eligibility requirements by broadening the definition of the scope of practice and minimizing the experience requirement to one year (this is important because some boards were requiring both continuing education and two to five years of practice), offers licensing opportunities for those practicing in states that don't require a license in their profession, requires boards to issue a temporary license (good for one year) for approvals taking longer than two weeks to process and provides a formal appeal process outside of the board's jurisdiction.

### **Section 1. Section 73-50-1, Mississippi Code of 1972.**

*(1) This section shall be known as the "Military Family Freedom Act."...*

*(2) As used in this section, the term ...*

*... (c) "Military" means the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force and the Reserve Components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.*

*(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application to an occupational licensing board, the applicant satisfies the following conditions ...*



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*(b) The applicant holds a current and valid license in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi, and has held this license from the occupational licensing board in the other state for at least one year.*

*(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a ...*

*(d) The applicant did not surrender a license because of negligence or intentional misconduct ...*

*(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime ...*

*f) The applicant pays all applicable fees in Mississippi.*

*(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:*

*(a) The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice ...*

*(b) The applicant worked for at least three years in the lawful occupation.*

*(c) The applicant satisfies the provisions of paragraphs (c) through (f) of Subsection (3) of this section ...*

*(6) The occupational licensing board shall issue or deny the license to the applicant within 120 days after receiving an application. If the application requires longer than two weeks to process, the occupational licensing board shall issue a temporary practice permit within 30 days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Subsection (3)(a) or Subsection (3)(b) of this section and Subsection (3)(c) through (e) and pays all applicable fees as required by Subsection (3)(f), or satisfies the provisions of Subsection (4)(a) through (c) and pays all applicable fees as required by Subsection (3)(f). The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in 365 days after its issuance if the applicant fails to satisfy the requirement for licensure in Subsection (5), if applicable.*



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*(8) An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.*