



KEY MESSAGE: States have established various policies to improve license portability for military spouses; however, many of these revised policies do too little to address career turmoil experienced by military spouses. Interstate compacts for occupations and a new round of state licensure policies seek to alleviate the core impediments for military spouses.

- From 2011 – 2016, States enacted legislation to modify licensing for military spouses; however, many of these new laws did not reduce the burden of relicensing experienced by military spouses. Many provisions included “substantial equivalency” evaluations that require military spouses to continue to submit transcripts, test scores and practicum 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 below illustrates the relative degree of reciprocity, from full reciprocity through compacts in dark green, to no portability in red:

No portability	Weak language and disqualifying provisions	Endorsement, temporary license and expedited applications	Fully implement existing military spouse laws	Expedited: endorsement or temporary license with affidavit, and endorsement researched by State (TX and PA)	Expedited: exemption from State requirements (AZ, FL, and UT)	Occupational interstate compacts
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As baseline: license in 30 days without submitting verifying documents

EXAMPLES OF BEST PRACTICE LEGISLATION:

Exemption from State Requirements:

Arizona HB 2569 (2019): Opens existing provisions for military spouses to all in-coming residents that 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. Requires background checks. The Arizona regulatory authority has said they will check with the issuing State on the standing of the license.

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:



EXAMPLES OF BEST PRACTICE LEGISLATION (CONTINUED):

Arizona HB 2569 (2019)

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.*
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.*

Utah HB 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 they 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.

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; and*
 - (ii) *The license is current and the spouse is in good standing in the state of licensure.*



EXAMPLES OF BEST PRACTICE LEGISLATION (CONTINUED):

State Licensing Board Research of State Requirements:

Texas SB 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 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.

Sec.A55.0041. 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; and*
 - (3) *Receive from the agency confirmation that:*
 - (A) *The agency has verified the spouse's license in the other jurisdiction; and*
 - (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.*
- (d) *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) *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; and*
 - (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. A State agency may not charge a fee for the issuance of the license.*

SECTION 2. *Not later than December 1, 2019, a state agency to which Section 55.0041, Occupations Code, as added by this Act, applies, shall adopt rules to implement that section.*



EXAMPLES OF BEST PRACTICE LEGISLATION (CONTINUED):

Temporary Authority to Work Using a Current License in Good Standing from another State:

Tennessee SB 384 (2019): Directs boards to allow military spouses to work within the State on a current license in good standing from another State for one year in order to obtain a Tennessee license.

SECTION 1. Tennessee Code Annotated, Section 4-3-1304:

(d) (1) As used in this subsection (d):

(A) "License" means a permit, approval, registration, or certificate issued by a state agency and held by an individual person. The term "license" as used in this subsection excludes licenses issued to business entities, firms, physical locations, and supervisory personnel;

(B) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee National Guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102; and

(C) "State agency" means a state board, agency, commission, or any other entity attached to the division of regulatory boards, as listed in subsection (a).

(d) (2) Notwithstanding any other exemption from licensure requirements, the following persons may engage in the practice of an occupation or profession regulated by a state agency under titles 16, 46, 55, 62, and 68 without being licensed pursuant to that title:

(A) A member of the armed forces while the person is stationed within this state if:

(i) The person holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction recognized by the department as having equivalent requirements for licensure;

(ii) The license is current and the person is in good standing in the state or jurisdiction of licensure;

(iii) The person agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and

(iv) The person provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice; and

(B) The spouse of a member of the armed forces while the member is stationed in this state if:

(i) The spouse holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction recognized by the department as having equivalent requirements for licensure;

(ii) The license is current and the spouse is in good standing in the state or jurisdiction of licensure;

(iii) The spouse agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and

(iv) The spouse provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice.



EXAMPLES OF BEST PRACTICE LEGISLATION (CONTINUED):

Tennessee SB 384 (2019) (Continued)

SECTION 1. Tennessee Code Annotated, Section 4-3-1304:

(3) A person who holds a valid license to practice an occupation or profession in another state or jurisdiction and practices in this state pursuant to this subsection (d) must apply for the license in this state either prior to its expiration in the other state or jurisdiction or within one (1) year of the date the person began practicing in this state, whichever occurs first.

(e) The commissioner and each regulatory board shall, upon application for certification or licensure, accept military education, training, or experience completed by a person toward the qualifications to receive a license or certification if such education, training, or experience is determined by the commissioner or board to be substantially equivalent to the standards of this state.

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

Kansas 48-3406. Expedited state licensure procedure if licensed in another state for military service members or military spouses.

(c) A military service member with an honorable discharge or nonresident military spouse shall receive a license under subsection (b) of this section:

(2) ~~If the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then,~~¹ at the time of application, the military service member or nonresident military spouse:

(E) Submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate. Upon receiving such affidavit, the licensing body shall issue the license to the military service member or nonresident military spouse on a probationary basis, but may revoke the license at any time if the information provided in the application is found to be false.

¹ The existing Kansas law includes “if the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then;” however, the Department believes these limitations may not be necessary and may hamper the language as a best practice.