

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 799
Second Edition Engrossed 6/6/11
Senate Commerce Committee Substitute Adopted 6/7/12

Short Title: Licensure by Endorsement/Military/Spouses.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL
AND MILITARY SPOUSES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 93B of the General Statutes is amended by adding a new section to read:

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

(a) 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 completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.
- (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.

(b) 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 spouse to allow the military spouse to lawfully practice the military spouse's occupation in this State if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for



1 licensure, certification, or registration of the occupational licensing board for
2 which the applicant is seeking licensure, certification, or registration in this
3 State.

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

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

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

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

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

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

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

25 (f) An occupational licensing board may issue a temporary practice permit to a
26 military-trained applicant or military spouse licensed, certified, or registered in another
27 jurisdiction while the military-trained applicant or military spouse is satisfying the
28 requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has
29 licensure, certification, or registration standards substantially equivalent to the standards for
30 licensure, certification, or registration of an occupational licensing board in this State. The
31 military-trained applicant or military spouse may practice under the temporary permit until a
32 license, certification, or registration is granted or until a notice to deny a license, certification,
33 or registration is issued in accordance with rules adopted by the occupational licensing board.

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

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

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

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

43 **SECTION 2.** Within one year from the effective date of this act, each occupational
44 licensing board regulating an occupation in this State and subject to the provisions of Chapter
45 93B of the General Statutes shall implement the requirements of G.S. 93B-15.1, as enacted by
46 Section 1 of this act.

47 **SECTION 3.** The Legislative Research Commission shall study the issue of
48 allowing licensure by the North Carolina Medical Board for individuals with military training
49 and experience, for military spouses by endorsement, and for temporary licenses for
50 military-trained applicants or military-spouse applicants. The Commission shall make a report

- 1 on this issue, including any recommendations or legislative proposals, to the 2013 Regular
2 Session of the General Assembly upon its convening.
3 **SECTION 4.** This act is effective when it becomes law.