

COMMITTEE SUBSTITUTE

FOR

H. B. 4037

(BY DELEGATES IAQUINTA, LONGSTRETH,
FLEISCHAUER, JONES, STEPHENS,
WALKER AND AZINGER)

(Originating in the Committee on the Judiciary)
[February 21, 2012]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-1-6a and §30-1-6b, all relating to the professional and occupational licensure and registration of former and current members of the armed forces of the United States; providing legislative findings and declarations; requiring consideration and appropriate acceptance of military education, training and experience for qualification for professional licensure; providing rule-making authority for licensing or registration boards; providing exceptions; and requiring the extension of

licenses and the waiver of certain requirements for licenses or registration of certain persons and accompanying spouses on active duty in the armed forces of the United States.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §30-1-6a and §30-1-6b, all to read as follows:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO
ALL STATE BOARDS OF EXAMINATION
OR REGISTRATION REFERRED TO IN
CHAPTER.**

**§30-1-6a. Legislative findings and declarations; consideration of
military education, training and experience for
licensure or registration, generally; rule of
construction.**

- 1 (a) The Legislature finds that:
- 2 (1) Many current and former members of the United
- 3 States Armed Forces have acquired extensive academic,
- 4 professional and occupational training and experience in
- 5 various professions and occupations while serving in the
- 6 Armed Forces.

7 (2) In many instances, that level of academic education,
 8 training and experience may be comparable to, or may
 9 exceed, what is required in this state to register for
 10 examination, or qualify for licensure, certification or
 11 registration for a similar or related occupation or profession.

12 (3) Armed forces service members often leave the
 13 military with documented training, education and experience
 14 which may be sufficient for application toward the
 15 requirements in this state to register for examination, or
 16 qualify, for licensure, certification or registration in a
 17 comparable profession or occupation.

18 (4) Armed forces members who are separating from
 19 service are frequently delayed getting post-service
 20 employment even though they have applicable military
 21 education, training and experience which can qualify them
 22 for professional license, certifications or registration.

23 (5) Military veterans have expended and sacrificed a
 24 significant portion of their most productive earning potential
 25 and working years to the service of their country; however,

26 reported unemployment rates of veterans are higher than
27 national averages, and accordingly, military veterans should
28 be given the opportunity to take advantage of their military
29 education, experience and training, as appropriate, toward
30 pursuing a career in many of the professions and occupations
31 identified in this chapter.

32 (6) The state may be experiencing a shortage of qualified
33 candidates for licensure, certification or registration for these
34 various professions and occupations. Therefore, it is in the
35 public interest of this state to accommodate and attract
36 persons with the appropriate military education, training and
37 experience, to apply for licensure, certification or registration
38 in a profession or occupation in West Virginia.

39 (7) The boards in this chapter have the particular
40 expertise necessary to evaluate and determine what military
41 education, training and experience is adequate, acceptable
42 and appropriate to be applied toward the qualifications for
43 licensure, certification or registration and whether it is
44 necessary that the competency of those persons be

45 determined and evaluated by examination before they are so
46 licensed, certified or registered.

47 (b) Except as provided in subsection (d) of this section,
48 and notwithstanding any law to the contrary, all boards
49 referred to in this chapter shall, upon presentation of
50 satisfactory evidence by an applicant for licensure,
51 certification or registration, accept education, training or
52 experience of an individual as a member of the Armed Forces
53 or Reserves of the United States, the National Guard of any
54 state, or the military reserves of any state, as part of the
55 evaluation process toward the qualifications to receive, or
56 take examination for, that respective professional license,
57 certification, or registration.

58 (c) Boards referred to in this chapter may propose rules
59 for legislative approval in accordance with the provisions of
60 article three, chapter twenty-nine-a of this code as are
61 necessary to implement the provisions of this section. The
62 proposed rules shall establish criteria or requirements for
63 military education, training and experience that qualify the

64 applicant to take an examination for licensure, certification
65 or registration or for a waiver of any examination
66 requirement to be licensed, certified or registered.

67 (d) The provisions of this section do not apply to the
68 boards referred to in this chapter whose license, certification
69 or registration requirements are subject to the provisions of
70 article twenty-four of this chapter.

71 (e) This section shall be liberally construed to effectuate
72 its purpose in the light of these findings and declarations.

**§30-1-6b. Licensure, certification or registration of persons and
spouses of persons on military active duty outside
this state; extension of licenses or registration;
waiver of certain license, certification or
registration requirements.**

1 (a) During periods when the licensee, certificate holder
2 or registrant is on active duty as a member of the Armed
3 Forces of the United States, the National Guard of this state
4 or any other state, or any other military reserve component
5 and deployed outside of this state, and for six months after
6 discharge from active duty, the license, certification or
7 registration of a person regulated by a board in this chapter

8 shall continue in good standing and shall be renewed without
9 payment of any dues or fees for the maintenance or renewal
10 of the license, certification or registration, and without
11 meeting continuing education requirements for the license,
12 certification or registration, when circumstances associated
13 with military duty prevent the individual from obtaining the
14 required continuing education.

15 (b) The licensee shall submit a waiver request to the
16 appropriate board, informing the board of circumstances
17 which include, but are not limited to, deployment outside of
18 the United States or in any combat area and verify that the
19 individual performs the licensed, certified or registered
20 profession or occupation as part of his or her military duties
21 as annotated in Defense Department Form 214 (DD214).

22 (c) During periods when the licensee, certificate holder
23 or registrant is accompanying his or her spouse who is on
24 active duty as a member of the Armed Forces of the United
25 States, the National Guard of this state or any other state, or
26 any other military reserve component and deployed outside

27 of this state, and for six months after discharge from active
28 duty, the license, certification or registration of that person
29 regulated by a board referred to in this chapter, shall continue
30 in good standing and shall be renewed without payment of
31 any dues or fees for the maintenance or renewal of the
32 license, certification or registration, and without meeting
33 continuing education requirements for the license,
34 certification or registration when circumstances associated
35 with accompanying a spouse on military duty prevent the
36 individual from obtaining the required continuing education.

37 (d) The licensee shall submit a waiver request to the
38 appropriate board informing the board of these circumstances
39 which include, but are not limited to, deployment outside of
40 the United States or in any combat area.