

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4151**

5 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

6 [By Request of the Executive]

7
8 [Passed March 4, 2014; in effect ninety days from passage.]

9
10 AN ACT to repeal §30-1-6a and §30-1-6b of the Code of West
11 Virginia, 1931, as amended; and to further amend said code
12 by adding thereto a new article, designated §30-1B-1,
13 §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7,
14 §30-1B-8 and §30-1B-9, all relating to professional
15 licensing requirements for certain military members and
16 their spouses; making legislative findings; requiring
17 certain boards to consider military education, training and
18 experience upon application for licensure, certification or
19 registration; providing for licensure renewal during active
20 duty and for six months thereafter for service members and
21 their spouses without meeting requirements of continuing
22 education in certain circumstances and without payment of
23 fees; requiring licensees, certificate holders and
24 registrants to submit waiver requests to the boards;
25 providing for expedited temporary licenses for spouses of

1 active duty service members in certain circumstances;
2 providing for waiver of temporary license application fees
3 in certain circumstances; providing boards with rule-making
4 authority; requiring boards to collect certain data on
5 applications for licensure; requiring boards to report data
6 on waivers and temporary licenses in their annual reports;
7 applicability; and providing for liberal construction of
8 article.

9 *Be it enacted by the Legislature of West Virginia:*

10 That §30-1-6a and §30-1-6b of the Code of West Virginia,
11 1931, as amended, be repealed; and that said code be further
12 amended by adding thereto a new article, designated §30-1B-1,
13 §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7,
14 §30-1B-8 and §30-1B-9, all to read as follows:

15 **ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND THEIR**
16 **SPOUSES.**

17 **§30-1B-1. Legislative findings and declarations.**

18 The Legislature finds that:

19 (1) In recognition of the enormous sacrifices made by
20 members of the Armed Forces of the United States of America and
21 their families in voluntary service to this state and our nation,
22 the citizens of West Virginia must endeavor to find new and
23 innovative ways to improve the lives of military families and
24 support their personal and professional growth;

25 (2) Many current and former members of the United States

1 Armed Forces have acquired extensive academic, professional and
2 occupational training and experience in various professions and
3 occupations while serving in the Armed Forces, comparable to or
4 exceeding that required in this state to register for examination
5 or qualify for licensure, certification or registration for
6 similar or related occupations and professions;

7 (3) Military families are ten times more likely to move from
8 one state to another than their civilian counterparts, and 35% of
9 military spouses work in professions that require state licenses,
10 certifications or registrations;

11 (4) Armed forces members who return to this state after
12 being called to active duty service, and spouses accompanying
13 armed forces members outside of this state or to this state for
14 active duty, are frequently delayed in beginning employment as
15 professionals because of issues with obtaining licenses,
16 certifications or registrations upon arrival or return to West
17 Virginia;

18 (5) The boards in this chapter have the particular expertise
19 necessary to evaluate and determine the adequacy of military
20 education, training and experience for licensure, certification
21 or registration and to adopt procedures that ease the burden of
22 transition for military families through waivers, temporary
23 licensing, or otherwise, while ensuring competency of
24 professionals and protecting the citizens of the state from harm.

25 **§30-1B-2. Consideration of military education, training and**
26 **experience for licensure or registration, generally.**

1 (a) Except as provided in section eight of this article, and
2 notwithstanding any law to the contrary, all boards referred to
3 in this chapter shall, upon presentation of satisfactory evidence
4 by an applicant for licensure, certification or registration,
5 consider the individual's education, training or experience as a
6 member of the Armed Forces or Reserves of the United States, the
7 National Guard of any state, or the military reserves of any
8 state, as part of the evaluation process toward the
9 qualifications to receive, or take examination for, that
10 respective professional license, certification or registration.

11 **§30-1B-3. Licensure, certification or registration of persons on**
12 **military active duty outside this state; extension of**
13 **licenses or registration; waiver of certain license,**
14 **certification or registration requirements.**

15 (a) During periods when the licensee, certificate holder or
16 registrant is on active duty as a member of the Armed Forces of
17 the United States and deployed outside of this state, and for six
18 months after discharge from active duty, his or her license,
19 certification or registration shall continue in good standing and
20 shall be renewed, upon receipt of a waiver request pursuant to
21 subsection (b) of this section:

22 (1) Without meeting continuing education requirements for
23 the license, certification or registration when:

24 (A) Circumstances associated with the military duty prevent
25 the obtaining of continuing education, or

1 (B) The licensee, certificate holder or registrant performs
2 the profession or occupation as part of his or her military
3 duties, as may be evidenced by annotation on Defense Department
4 Form 214 (DD214), National Guard Bureau Form 22 (NGB22) or other
5 official record; and

6 (2) Without payment of fees for the renewal of the license,
7 certification or registration.

8 (b) The licensee, certificate holder or registrant shall
9 submit a waiver request to the appropriate board, informing the
10 board of circumstances which include, but are not limited to,
11 being deployed outside of this state.

12 **§30-1B-4. Licensure, certification or registration of spouses of**
13 **persons on military active duty outside this state;**
14 **extension of licenses or registration; waiver of certain**
15 **license, certification or registration requirements.**

16 (a) During periods when the licensee, certificate holder or
17 registrant is accompanying his or her spouse who is on active
18 duty as a member of the Armed Forces of the United States and
19 deployed outside of this state, and for six months after his or
20 her spouse is discharged from active duty, his or her license,
21 certification or registration shall continue in good standing and
22 shall be renewed, upon receipt of a waiver request pursuant to
23 subsection (b) of this section:

24 (1) Without meeting continuing education requirements for
25 the license, certification or registration when:

1 (A) Circumstances associated with accompanying his or her
2 spouse who is on active duty prevent the obtaining of continuing
3 education, or

4 (B) The licensee, certificate holder or registrant presents
5 evidence that he or she performs or performed the profession or
6 occupation while accompanying his or her spouse on active duty;
7 and

8 (2) Without payment of fees for the maintenance or renewal
9 of the license, certification or registration.

10 (b) The licensee, certificate holder or registrant shall
11 submit a waiver request to the appropriate board informing the
12 board of circumstances which include, but are not limited to,
13 accompanying a spouse who is deployed outside of this state.

14 **§30-1B-5. Temporary licensure, certification or registration of**
15 **spouses of persons on military active duty; waiver of**
16 **certain license, certification or registration fees.**

17 (a) Notwithstanding any law to the contrary, the spouse of a
18 person who is on active duty as a member of the Armed Forces of
19 the United States shall be issued a temporary license,
20 certification or registration by a board referred to in this
21 chapter within thirty days of submitting the following to the
22 board:

23 (1) A completed application for temporary license,
24 certification or registration, as developed by the board;

25 (2) The required application fee;

1 (3) Proof that the applicant is married to a member of the
2 Armed Forces of the United States who is on active duty; and

3 (4) Proof that the applicant holds a valid license,
4 certification or registration for the profession issued by
5 another state, the District of Columbia, or a possession or
6 territory of the United States, and whose license, certification
7 or registration is not and has not been the subject of
8 disciplinary action in that jurisdiction.

9 (b) Notwithstanding subsection (a), a board may require the
10 applicant to submit to a criminal history records check, to be
11 paid for by the applicant, and the board may deny a request for a
12 temporary license, certification or registration if the criminal
13 history records check provides reason to believe that the
14 applicant does not meet the requirements of the board or presents
15 a safety risk to the public.

16 (c) A temporary license expires six months after the date of
17 issuance and is not renewable.

18 (d) An applicant under this section may submit an
19 application for waiver of the temporary license application fee,
20 and the board shall grant the waiver if the applicant has paid a
21 fee for his or her previous license, certification, or
22 registration in another state, the District of Columbia, or a
23 possession or territory of the United States, within six months
24 immediately prior to submitting an application for temporary
25 license, certification or registration. The applicant shall
26 provide proof of the date and amount of the previous payment.

1 **§30-1B-6. Rule-making authority.**

2 The Boards referred to in this chapter may propose rules for
3 legislative approval in accordance with the provisions of article
4 three, chapter twenty-nine-a of this code to implement the
5 provisions of this article. Proposed rules may:

6 (1) Establish criteria or requirements for military
7 education, training and experience that qualify the applicant to
8 take an examination for licensure, certification or registration
9 or for a waiver of any examination requirement to be licensed,
10 certified or registered; and

11 (2) Implement the provisions of this article while ensuring
12 competency, protecting the citizens of this state from harm, and
13 addressing issues specific to each profession.

14 **§30-1B-7. Data collection.**

15 (a) The boards referred to in this chapter shall require an
16 applicant to state on the application form that he or she is an
17 active duty member of the armed forces of the United States or is
18 a spouse of an active duty member of the armed forces of the
19 United States.

20 (b) The boards referred to in this chapter shall include the
21 following information in their annual reports, as required in
22 section seventeen, article one of this chapter:

23 (1) The number of licenses, certificates and/or
24 registrations issued pursuant to this article;

25 (2) The amount of fees waived pursuant to this article;

26 (3) The number of persons who had continuing education

1 requirements waived pursuant to this article; and

2 (4) The number of temporary licenses issued pursuant to this
3 article.

4 **§30-1B-8. Applicability.**

5 The provisions of this article do not apply to the boards
6 referred to in this chapter whose license, certification, or
7 registration requirements are subject to the provisions of
8 article twenty-four of this chapter.

9 **§30-1B-9. Liberality of construction.**

10 This article shall be liberally construed and applied to
11 promote the public interest.