

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 419

BY SENATORS WELD AND DEEDS

[Originating in the Committee on Government

Organization; reported on February 3, 2023]

1 A BILL to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West
2 Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating
3 to licensure to practice professions and occupations; stating findings; establishing
4 standards for licensure of military-trained applicants; mandating boards act on applications
5 from military-trained applicants not later than 15 days after receipt; providing for conditions
6 for issuance of authorization to practice occupation or trade to military-trained applicants;
7 prohibiting board from charging fee for initial authorization to practice; establishing
8 standards for licensing spouses of current military members; mandating boards act on
9 applications from spouses not later than 15 days after receipt; prohibiting boards from
10 charging fee to spouse of military member for initial authorization to practice; and providing
11 for temporary authorization to practice while application is pending.

Be it enacted by the Legislature of West Virginia:

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

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

1 The Legislature finds that:
2 (1) In recognition of the enormous sacrifices made by members of the Armed Forces of
3 the United States of America and their families in voluntary service to this state and our nation,
4 the citizens of West Virginia must endeavor to find new and innovative ways to improve the lives
5 of military families and support their personal and professional growth;
6 (2) Many current and former members of the United States Armed Forces have acquired
7 extensive academic, professional, and occupational training and experience in various
8 professions and occupations while serving in the Armed Forces, comparable to or exceeding that
9 required in this state to register for examination or qualify for licensure, certification, or registration
10 for similar or related occupations and professions;

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

14 ~~(4) (3) Veterans of the Armed armed forces and the spouses of current members who~~
15 ~~return or relocate to this state after being called to active duty service, and spouses accompanying~~
16 ~~armed forces members outside of this state or to this state for active duty are frequently delayed~~
17 ~~in beginning employment as professionals because of issues with obtaining licenses, certifications~~
18 ~~or registrations upon arrival or return to West Virginia;~~

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

24 ~~(4) Because of the training and experiences these individuals have and the challenges~~
25 ~~they may face when seeking licensure, certification, or registration, it is in the best interest of this~~
26 ~~state to ease these burdens and ensure the boards in this chapter use the relevant experiences~~
27 ~~of these men and women to ensure they are able to find employment as quickly as possible.~~

~~§30-1B-2. Consideration of military education, training and experience for licensure or~~
~~registration, generally Licensure for individuals with military training and~~
~~experience.~~

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

7 ~~certification or registration.~~ subsection (c) of this section, and notwithstanding any other provision
8 of this code to the contrary, all boards referred to in this chapter shall issue a license, certification,
9 or registration to a military-trained applicant to allow the applicant to lawfully practice the
10 applicant's occupation in this state if, upon application to a board, the military-trained applicant
11 satisfies the following conditions:

12 (1) Has been awarded a military occupational specialty and has done all of the following
13 at a level that is substantially equivalent to or exceeds the requirements for licensure, certification,
14 or registration of the board from which the applicant is seeking licensure, certification, or
15 registration in this state:

16 (A) Completed a military program of training;

17 (B) Completed testing or equivalent training and experience; and

18 (C) Performed in the occupational specialty;

19 (2) Has engaged in the active practice of the occupation for which the person is seeking
20 a license, certification, or permit from the board in this state for at least two of the five years
21 preceding the date of the application under this section; and

22 (3) Has not committed any act in any jurisdiction that would have constituted grounds for
23 refusal, suspension, or revocation of a license to practice that occupation in this state at the time
24 the act was committed and has no pending complaints.

25 (b) No later than 15 days following receipt of an application from a military-trained
26 applicant, the board shall either issue a license, certification, registration, or notify an applicant
27 when the applicant's military training or experience does not satisfy the requirements for licensure,
28 certification, or registration and specify the criteria or requirements that the board determined that
29 the applicant failed to meet and the basis for that determination. If a military-trained applicant has
30 a pending complaint under §30-1B-3(a)(3), the board shall notify the applicant no later than 15
31 days following the board receiving written notice of the disposition of the pending complaint.

32 (c) A board shall issue a license, certification, or registration to a military-trained applicant
33 to allow the applicant to lawfully practice the applicant's occupation in this state if the military-
34 trained applicant, upon application to the board, satisfies the following conditions:

35 (1) Presents official, notarized documentation, such as a U.S. Department of Defense
36 Form 214 (DD-214), or similar substantiation, attesting to the applicant's military occupational
37 specialty certification and experience in an occupational field within the board's purview; and

38 (2) Passes a proficiency examination offered by the board to military-trained applicants in
39 lieu of satisfying the conditions set forth in subsection (a) of this section. If an applicant fails the
40 proficiency examination, then the applicant may be required by the board to satisfy those
41 conditions.

42 (d) In any case where a proficiency examination is not offered routinely by a board, the
43 board shall design a fair proficiency examination for military-trained applicants to obtain licensure,
44 certification, or registration under this section. If a proficiency examination is offered routinely by
45 a board, that examination shall satisfy the requirements of this section.

46 (e) All relevant experience of a military service member in the discharge of official duties
47 shall be credited in the calculation of years of practice in an occupation as required under
48 subsection (a) of this section.

49 (f) A nonresident licensed, certified, or registered under this section shall be entitled to the
50 same rights and subject to the same obligations as required of a resident licensed, certified, or
51 registered by all boards referred to in this chapter.

52 (g) Nothing in this section may be construed to apply to the practice of law under §30-2-1
53 et seq. of this code.

54 (h) Nothing in this section may be construed to prohibit a military-trained applicant from
55 proceeding under the existing licensure, certification, or registration requirements established by
56 a board referred to in this chapter.

57 (i) A board may not charge a military-trained applicant an initial application fee for a
58 license, certification, registration, or temporary practice permit issued pursuant to this section:
59 Provided, That nothing in this subsection may be construed to prohibit a board from charging its
60 ordinary fee for a renewal application or prohibit a third party from charging actual costs for a
61 service such as a background check.

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

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

6 ~~(1) Without meeting continuing education requirements for the license, certification or~~
7 ~~registration when:~~

8 ~~(A) Circumstances associated with the military duty prevent the obtaining of continuing~~
9 ~~education, or~~

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

13 ~~(2) Without payment of fees for the renewal of the license, certification or registration~~

14 ~~(b) (a) The licensee, certificate holder or registrant shall submit a waiver request to the~~
15 ~~appropriate board, informing the board of circumstances which include, but are not limited to,~~
16 ~~being deployed outside of this state Notwithstanding any other provision of this code to the~~
17 ~~contrary, all boards referred to in this chapter shall issue a license, certification, or registration to~~
18 ~~a military spouse to allow the spouse of an active duty military member who is a resident of this~~

19 state, or who is assigned to state or federal active duty in this state, to lawfully practice the
20 spouse's occupation in this state if, upon application to a board, the spouse satisfies the following
21 conditions:

22 (1) Holds a current license, certification, or registration from another jurisdiction, and that
23 jurisdiction's requirements for licensure, certification, or registration are substantially equivalent
24 to or exceed the requirements for licensure, certification, or registration of the board for which the
25 applicant is seeking licensure, certification, or registration in this state;

26 (2) Can demonstrate competency in the occupation through methods as determined by
27 the board, such as having completed continuing education units or having had recent experience
28 for at least two of the five years preceding the date of the application under this section;

29 (3) Has not committed any act in any jurisdiction that would have constituted grounds for
30 refusal, suspension, or revocation of a license to practice that occupation in this state at the time
31 the act was committed; and

32 (4) Is in good standing; has not been disciplined by the agency that had jurisdiction to
33 issue the license, certification, or permit; and has no pending complaints.

34 (b) No later than 15 days following receipt of an application from a spouse the board shall
35 either issue a license, certification, registration, or notify an applicant when the applicant's training
36 or experience does not satisfy the requirements for licensure, certification, or registration and
37 specify the criteria or requirements that the board determined that the applicant failed to meet and
38 the basis for that determination. If an applicant who is a military spouse has a pending complaint
39 under §30-1B-3(a)(4), the board shall notify the applicant no later than 15 days following the board
40 receiving written notice of the disposition of the pending complaint.

41 (c) All relevant experience of a military spouse, including full-time and part-time
42 experience, regardless of whether in a paid or volunteer capacity, shall be credited in the
43 calculation of years of practice in an occupation as required under subsection (a) of this section.

44 (d) A nonresident licensed, certified, or registered under this section is entitled to the same
45 rights and subject to the same obligations as required of a resident licensed, certified, or
46 registered by all boards referred to in this chapter.

47 (e) Nothing in this section may be construed to apply to the practice of law under article
48 §30-2-1 et seq. of this code.

49 (f) Nothing in this section may be construed to prohibit a spouse from proceeding under
50 the existing licensure, certification, or registration requirements established by a board referred
51 to in this chapter.

52 (g) A board may not charge a military spouse an initial application fee for a license,
53 certification, registration, or temporary practice permit issued pursuant to this section: *Provided,*
54 That nothing in this subsection may be construed to prohibit a board from charging its ordinary
55 fee for a renewal application or prohibit a third party from charging actual costs for a service such
56 as a background check.

§30-1B-4. Temporary licensure certification or registration of 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 or registrant is accompanying his~~
2 ~~or her spouse who is on active duty as a member of the Armed Forces of the United States and~~
3 ~~deployed outside of this state, and for six months after his or her spouse is discharged from active~~
4 ~~duty, his or her license, certification or registration shall continue in good standing and shall be~~
5 ~~renewed, upon receipt of a waiver request pursuant to subsection (b) of this section:~~

6 ~~(1) Without meeting continuing education requirements for the license, certification or~~
7 ~~registration when:~~

8 ~~(A) Circumstances associated with accompanying his or her spouse who is on active duty~~
9 ~~prevent the obtaining of continuing education, or~~

10 ~~(B) The licensee, certificate holder or registrant presents evidence that he or she performs~~
11 ~~or performed the profession or occupation while accompanying his or her spouse on active duty;~~
12 ~~and~~

13 ~~(2) Without payment of fees for the maintenance or renewal of the license, certification or~~
14 ~~registration.~~

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

18 All boards referred to in this chapter shall issue a temporary practice permit to a military-
19 trained applicant or military spouse licensed, certified, or registered in another jurisdiction while
20 the military-trained applicant or military spouse is satisfying the requirements for licensure under
21 §30-1B-3 and §30-1B-4 of this code no later than 15 days following receipt of an application; if
22 that jurisdiction has licensure, certification, or registration standards substantially equivalent to
23 the standards for licensure, certification, or registration of a board in this state. The temporary
24 practice permit shall be issued using the same information as provided by the applicant in the
25 licensure application and remain valid for the later of one year or the required renewal date for
26 the occupation the temporary practice permit was issued for or until a license, certification, or
27 registration is granted by the board. A temporary practice permit may be denied or revoked for a
28 pending complaint after notice is provided to the military-trained applicant or military spouse as
29 set forth under §30-1B-3(a)(3) and §30-1B-3(a)(4), or §30-1B-4(a) of this article.

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

1 [Repealed.]

§30-1B-7. Data Collection.

1 [Repealed.]