
A BILL FOR AN ACT

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that service members who leave the military often experience delays in finding post-service employment. Transitioning service members leave the military with documented education, training, and experience that can prepare them for civilian employment; however, this documentation is not always used by state entities when determining qualifications for an occupational license.

The legislature further finds that the employment of military veterans has been cited as a top priority by the President of the United States and the United States Secretaries of Defense and Veterans Affairs. The First Lady of the United States has addressed this issue as well, as part of the Joining Forces Initiative, which was established to raise awareness and encourage all sectors of society to recognize the service and sacrifice of military veterans.

The legislature additionally finds that Act 248, Session Laws of Hawaii 2012, was one measure that demonstrated Hawaii's commitment to this nationwide effort. However, amendments to Act 248 are needed to clarify the requirements for service member licensure in Hawaii.

The purpose of this Act is to assist transitioning service members obtain licensure under specific circumstances by:

- (1) Clarifying that licensing authorities shall consider relevant education, training, or service completed by service members;
- (2) Permitting licensure by endorsement or licensure by reciprocity in certain situations for service members;

(3) Establishing procedures for service members to receive a license by endorsement or license by reciprocity;

(4) Permitting issuance of a temporary license if certain requirements are met; and

(5) Requiring the licensing authority to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified service member.

SECTION 2. Act 248, Session Laws of Hawaii 2012, is amended by amending section 1 to read as follows:

"SECTION 1. Chapter 436B, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

"§436B- ~~[Licensure; acceptance of military education, training, or service.]~~ Service member licensure. (a) Notwithstanding any law to the contrary, every licensing authority subject to this chapter, upon presentation of satisfactory evidence by an applicant, shall consider relevant education, training, or service completed by ~~[an individual as a member of the armed forces or reserves of the United States, the national guard of any state, the military reserves of any state, or the navy militia of any state]~~ a service member as part of the evaluation process toward the qualification requirements to receive the license. Evidence presented for consideration for fulfillment or partial fulfillment of licensing requirements shall demonstrate substantial equivalency to state standards.

(b) For purposes of this section, "service member" means an individual who is:

(1) Currently stationed in Hawaii by a proper order of the United States Department of Defense; or

(2) An honorably discharged member of the armed forces or reserves of the United States or the Hawaii national guard who has transitioned out of the military within the previous six months and had been stationed in Hawaii by a proper order of the United States Department of Defense immediately prior to the service member's honorable discharge.

(c) Unless otherwise provided by law, an applicant for licensure by endorsement or licensure by reciprocity who is a service member may demonstrate competency in a specific profession or vocation as determined by the licensing authority in lieu of a requirement that the applicant has worked or practiced in that profession or vocation for a specified period

of time prior to the application for licensure by endorsement or licensure by reciprocity.

(d) The licensing authority shall expedite consideration of the application and issuance of a license by endorsement or license by reciprocity to a service member who meets the requirements of this section.

(e) If a service member holds a current license in another state, district, or territory of the United States with licensure requirements that the licensing authority determines are equivalent to or exceed those established by the licensing authority of this State, that service member shall receive a license pursuant to applicable statutes or requirements of the licensing authority of this State regarding licensure by endorsement or licensure by reciprocity; provided that the service member:

(1) Has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension, or revocation of a license; has never been censured or had other disciplinary action taken; has not had an application for licensure denied; or has not refused to practice a profession or vocation for which the service member seeks licensure;

(2) Has not been disciplined by a licensing or credentialing entity in another jurisdiction; is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and has not surrendered membership on any professional staff in any professional association, society, or faculty for another state or licensing jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in this State;

(3) Pays any fees required by the licensing authority of this State; and

(4) Submits with the application a signed affidavit stating that application information, including necessary prior employment history, is true and accurate.

Upon receiving the affidavit, the licensing authority shall issue the license to the service member and may revoke the license at any time if the information provided in the application is found to be false.

A service member who meets or exceeds the requirements of this section shall not be required to take a national or regional exam prior to licensure by endorsement or licensure by reciprocity.

(f) The licensing authority shall issue to the service member a temporary license to allow the service member to perform specified

services, under the supervision of a professional licensed by this State if appropriate, while completing any requirements necessary for licensure in this State; provided that a temporary license shall only be issued in those professions where credentials, experience, or passage of a national exam is substantially equivalent to or exceed those established by the licensing authority of this State.

(g) The licensing authority shall expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a service member who meets the requirements of this section."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2013.

INTRODUCED BY: _____

Report Title:

Military; Service Members; Professional and Vocational Licensing; Military Education, Training, or Service; Licensure

Description:

Clarifies that licensing authorities shall consider relevant education, training, or service completed by service members. Specifies which service members are subject to these provisions. Permits licensure by endorsement or licensure by reciprocity in certain situations for service members. Establishes procedures for service members to receive a license by endorsement or license by reciprocity. Permits issuance of a temporary license if certain requirements are met. Requires the licensing authority to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified service member.

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