

JAN 23 2020

A BILL FOR AN ACT

RELATING TO LICENSING.

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

1 SECTION 1. Section 436B-14.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§436B-14.7 Licensure by endorsement or licensure by~~
4 ~~reciprocity; initial acceptance by affidavit, temporary license;~~
5 ~~military spouse. (a) [If a military spouse holds a current~~
6 ~~license in another state, district, or territory of the United~~
7 ~~States with licensure requirements that the licensing authority~~
8 ~~determines are equivalent to or exceed those established by the~~
9 ~~licensing authority of this State, that military spouse shall~~
10 ~~receive a license pursuant to applicable statutes or~~
11 ~~requirements of the licensing authority of this State regarding~~
12 ~~licensure by endorsement or licensure by reciprocity; provided~~
13 ~~that the military spouse:~~

14 ~~(1) Has not committed an act in any jurisdiction that~~
15 ~~would have constituted grounds for the limitation,~~
16 ~~suspension, or revocation of a license; has never been~~
17 ~~ensured or had other disciplinary action taken; has~~
18 ~~not had an application for licensure denied; or has~~

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1 ~~not refused to practice a profession or vocation for~~
2 ~~which the military spouse seeks licensure;~~
3 ~~(2) Has not been disciplined by a licensing or~~
4 ~~credentialing entity in another jurisdiction; is not~~
5 ~~the subject of an unresolved complaint, review~~
6 ~~procedure, or disciplinary proceeding conducted by a~~
7 ~~licensing or credentialing entity in another~~
8 ~~jurisdiction; and has not surrendered membership on~~
9 ~~any professional staff in any professional~~
10 ~~association, society, or faculty for another state or~~
11 ~~licensing jurisdiction while under investigation or to~~
12 ~~avoid adverse action for acts or conduct similar to~~
13 ~~acts or conduct which would constitute grounds for~~
14 ~~disciplinary action in this State;~~
15 ~~(3) Pays any fees required by the licensing authority of~~
16 ~~this State;~~
17 ~~(4) Submits with the application a signed affidavit~~
18 ~~stating that application information, including~~
19 ~~necessary prior employment history, is true and~~
20 ~~accurate. Upon receiving the affidavit, if the~~
21 ~~licensing authority issues the license to the military~~
22 ~~spouse, the licensing authority may revoke the license~~

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1 ~~at any time if the information provided in the~~
2 ~~application is found to be false; and~~
3 ~~(5) Is the spouse of a military member who is a member in~~
4 ~~good standing in the active or a reserve component of~~
5 ~~any of the armed forces of the United States and the~~
6 ~~military member has orders issued by the appropriate~~
7 ~~agencies of the armed forces to be stationed in Hawaii~~
8 ~~for a duration of at least one year.]~~

9 Notwithstanding any other law, a person who is married to an
10 active duty member of the armed forces of the United States
11 shall be approved for licensure if the person:

12 (1) Is married to an active duty member of the armed
13 forces in the United States and is accompanying the
14 member to an official permanent change of station to a
15 military installation located in this State;

16 (2) Either holds a license in another jurisdiction as:
17 (A) An accountant, an acupuncturist, an architect, an
18 athlete agent, an athletic trainer, a behavior
19 analyst, a dentist, a dispensing optician, an
20 engineer, a hearing aid dealer and fitter, a
21 marriage and family therapist, a certified nurse
22 aide, a licensed practical nurse, a registered

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1 nurse, a nursing home administrator, an
2 occupational therapist, an optometrist, a
3 pharmacist, a naturopathic physician, an
4 osteopathic physician, a physician, a physician
5 assistant, a podiatrist, a psychologist, a real
6 estate appraiser, a respiratory therapist, a
7 social worker, a speech pathologist, an
8 audiologist, or a veterinary technician; or

9 (B) The licensing authority for the disciplines not
10 included in subparagraph (A) has determined that
11 the licensure requirements of the other
12 jurisdiction are equivalent to or exceed those
13 established by the licensing authority of this
14 State;

15 (3) Has been licensed or certified by another jurisdiction
16 for at least one year, and the license or
17 certification is in good standing and without
18 conditions or restrictions in all jurisdictions in
19 which the person holds a license or certification;

20 (4) Has met minimum education requirements and applicable
21 work experience and clinical supervision requirements
22 when licensed or certified by another jurisdiction,

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1 and the other jurisdiction verifies that the person
2 met those requirements to become licensed or certified
3 in that jurisdiction;

4 (5) Has passed the examination requirements for the
5 license or certification, if required by the licensing
6 authority of this State or another jurisdiction;

7 (6) Has not had a license or certificate limited,
8 suspended, or revoked and has not voluntarily
9 surrendered a license or certificate in another
10 jurisdiction while under investigation for licensing
11 violations;

12 (7) Has not had an application for licensure denied, been
13 censured, or had discipline imposed by another
14 licensing authority. If another jurisdiction has
15 taken disciplinary action against the person, the
16 licensing authority of this State shall determine if
17 the cause for the action was corrected and the matter
18 resolved. If the matter has not been resolved by that
19 jurisdiction, the licensing authority may not issue or
20 deny a license applied for under this section until
21 the matter is resolved;

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1 (8) Does not have a complaint, allegation, or
2 investigation pending before the licensing authority
3 of another jurisdiction that relates to alleged
4 conduct that, if substantiated, would be a licensing
5 violation in this State. If an applicant has any
6 complaints, allegations, or investigations pending,
7 the licensing authority of this State shall suspend
8 the application process and may not issue or deny a
9 license applied for under this section until the
10 complaint, allegation, or investigation is resolved;

11 (9) Has not surrendered membership on any professional
12 staff in any professional association, society, or
13 faculty for another jurisdiction while under
14 investigation or to avoid adverse action for acts or
15 conduct similar to acts or conduct that would
16 constitute grounds for disciplinary action in this
17 State;

18 (10) Pays all applicable fees;

19 (11) Does not have a disqualifying criminal history as
20 determined by the licensing authority; and

21 (12) Submits with the application a signed affidavit stating
22 that the application information, including necessary

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1 prior employment history, is true and accurate. Upon
2 receiving the affidavit, if the licensing authority
3 issues the license to the person, the licensing
4 authority may revoke the license at any time if the
5 information provided in the application is found to be
6 false or if the person fails to maintain the
7 conditions of initial licensure.

8 (b) A person who is licensed pursuant to this section is
9 subject to the laws regulating the person's practice in this
10 State and is subject to the jurisdiction of the licensing
11 authority of this State.

12 ~~[(b)]~~ (c) The licensing authority shall issue to the
13 ~~[military spouse]~~ person a temporary license to allow the
14 ~~[military spouse]~~ person to perform specified services, under
15 the supervision of a professional licensed by this State if
16 appropriate, while completing any requirements necessary for
17 licensure in this State; provided that a temporary license shall
18 only be issued in those professions where credentials,
19 experience, or passage of a national exam is substantially
20 equivalent to or exceed those established by the licensing
21 authority of this State.

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1 [~~(e)~~] (d) The licensing authority shall expedite
2 consideration of the application and issuance of a license by
3 endorsement, license by reciprocity, or temporary license to a
4 [~~military spouse~~] person who meets the requirements of this
5 section.

6 [~~(d)~~] (e) A license [~~by endorsement or reciprocity~~] issued
7 under subsection (a) shall be valid for the same period of time
8 as a license issued pursuant to the requirements of title 25 for
9 the particular profession; provided that the total time period
10 that [~~a military spouse~~] the person holds a license issued [~~by~~
11 ~~endorsement or reciprocity~~] under subsection (a) shall not
12 exceed five years in the aggregate."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

18

BY REQUEST

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Report Title:

Military Licensure; Chapter 436B

Description:

Allows a person who: is married to an active duty member in the military; accompanies his or her spouse on a permanent change of station to Hawaii; and holds a current, unencumbered license in another jurisdiction in specific professions to apply for licensure on an expedited basis in the State of Hawaii.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO LICENSING.

PURPOSE: To allow a person who: is married to an active duty member in the military; accompanies his or her spouse on a permanent change of station to Hawaii; and holds a current, unencumbered license in another jurisdiction in specific professions to apply for licensure on an expedited basis in the State of Hawaii.

MEANS: Amend section 436B-14.7, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 436B-14.7, HRS, currently provides a streamlined pathway for professional licensure of military spouses, provided the licensure requirements of the spouse's home jurisdiction are equivalent to or exceed those of the State. This bill would remove this equivalency requirement for those enumerated professions whose requirements for licensure are based on relatively uniform national standards. In doing so, this bill would further streamline the licensing process, while still ensuring that the applicant is not subject to discipline in another jurisdiction and agrees to be subject to the jurisdiction of the licensing authority of the State. Presently, most military spouses who accompany their armed service members on a permanent change of station to Hawaii must apply for licensure through a license reciprocity process that mandates license

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equivalency, which may be problematic for applicants depending upon their home jurisdiction. The proposed amendment streamlines the processing of a military spouse application to practice his or her profession or vocation in the State.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM
DESIGNATION: DEF 110

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.