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# A BILL FOR AN ACT

RELATING TO MILITARY DEPENDENTS.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Exempt dependents of military service members from the  
3 residency requirement for government employment when  
4 the military service member's dependent is in Hawaii  
5 accompanying the military service member on valid  
6 military orders; and

7 (2) Provide a streamlined pathway for temporary  
8 professional licensure of a military spouse.

9 SECTION 2. Section 78-1, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

11 "(c) All persons seeking employment with the government of  
12 the State or in the service of any county shall be citizens,  
13 nationals, or permanent resident aliens of the United States, or  
14 eligible under federal law for unrestricted employment in the  
15 United States, and shall become residents of the State within  
16 thirty days after beginning their employment and as a condition  
17 of eligibility for continued employment[-]; provided that bona



1 vide military service members' dependents shall be exempt from  
2 the requirement to become residents if the dependents are in the  
3 State by virtue of the military service members' orders.

4 For purposes of this subsection:

5 "Dependent", with respect to a service member, means the  
6 service member's spouse, child who is under the age of eighteen  
7 years, or an individual for whom the service member provided  
8 more than one-half of the individual's financial support for one  
9 hundred eighty days immediately preceding an application for an  
10 exemption under this section.

11 "Resident" means a person who is physically present in the  
12 State at the time the person claims to have established the  
13 person's domicile in the State and shows the person's intent is  
14 to make Hawaii the person's primary residence."

15 SECTION 3. Section 436B-14.7, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 **"§436B-14.7 Licensure by endorsement or licensure by**  
18 **reciprocity; initial acceptance by affidavit; temporary license;**  
19 **military spouse. (a) [~~If a military spouse holds a current~~**  
20 **~~license in another state, district, or territory of the United~~**  
21 **~~States with licensure requirements that the licensing authority~~**



1 ~~determines are equivalent to or exceed those established by the~~  
2 ~~licensing authority of this State, that military spouse shall~~  
3 ~~receive a license pursuant to applicable statutes or~~  
4 ~~requirements of the licensing authority of this State regarding~~  
5 ~~licensure by endorsement or licensure by reciprocity, provided~~  
6 ~~that the military spouse:~~

7       ~~(1) Has not committed an act in any jurisdiction that~~  
8           ~~would have constituted grounds for the limitation,~~  
9           ~~suspension, or revocation of a license; has never been~~  
10          ~~censured or had other disciplinary action taken; has~~  
11          ~~not had an application for licensure denied; or has~~  
12          ~~not refused to practice a profession or vocation for~~  
13          ~~which the military spouse seeks licensure;~~

14       ~~(2) Has not been disciplined by a licensing or~~  
15           ~~credentialing entity in another jurisdiction; is not~~  
16          ~~the subject of an unresolved complaint, review~~  
17          ~~procedure, or disciplinary proceeding conducted by a~~  
18          ~~licensing or credentialing entity in another~~  
19          ~~jurisdiction; and has not surrendered membership on~~  
20          ~~any professional staff in any professional~~  
21          ~~association, society, or faculty for another state or~~



1           ~~licensing jurisdiction while under investigation or to~~  
2           ~~avoid adverse action for acts or conduct similar to~~  
3           ~~acts or conduct which would constitute grounds for~~  
4           ~~disciplinary action in this State;~~

5           ~~(3) Pays any fees required by the licensing authority of~~  
6           ~~this State;~~

7           ~~(4) Submits with the application a signed affidavit~~  
8           ~~stating that application information, including~~  
9           ~~necessary prior employment history, is true and~~  
10           ~~accurate. Upon receiving the affidavit, if the~~  
11           ~~licensing authority issues the license to the military~~  
12           ~~spouse, the licensing authority may revoke the license~~  
13           ~~at any time if the information provided in the~~  
14           ~~application is found to be false; and~~

15           ~~(5) Is the spouse of a military member who is a member in~~  
16           ~~good standing in the active or a reserve component of~~  
17           ~~any of the armed forces of the United States and the~~  
18           ~~military member has orders issued by the appropriate~~  
19           ~~agencies of the armed forces to be stationed in Hawaii~~  
20           ~~for a duration of at least one year.]~~



1 Notwithstanding any other law to the contrary, a person who is  
2 married to an active duty member of the armed forces of the  
3 United States shall be approved for temporary licensure if the  
4 person:

5 (1) Is accompanying the member on an official permanent  
6 change of station to a military installation located  
7 in this State;

8 (2) Either holds a license in another jurisdiction of the  
9 United States:

10 (A) As an acupuncturist, behavior analyst, dentist,  
11 dispensing optician, hearing aid dealer and  
12 fitter, marriage and family therapist, mental  
13 health counselor, certified nurse aide, licensed  
14 practical nurse, registered nurse, nursing home  
15 administrator, occupational therapist,  
16 optometrist, pharmacist, naturopathic physician,  
17 osteopathic physician, physician, physician  
18 assistant, podiatrist, psychologist, respiratory  
19 therapist, social worker, speech pathologist,  
20 audiologist, or veterinary technician; or



1           (B) Is in a profession or vocation not included in  
2           subparagraph (A) for which the licensing  
3           authority of this State has determined that the  
4           licensure requirements of the other jurisdiction  
5           are equivalent to or exceed those of this State;

6           (3) Has been licensed or certified by another jurisdiction  
7           of the United States for at least one year, and the  
8           license or certification is current, active, and in  
9           good standing without conditions or restrictions in  
10           all jurisdictions in which the person holds a license  
11           or certification;

12           (4) Has met minimum education requirements and applicable  
13           work experience and clinical supervision requirements  
14           when licensed or certified by another jurisdiction,  
15           and the other jurisdiction verifies that the person  
16           met those requirements to become licensed or certified  
17           in that jurisdiction;

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



- 1       (6) Has not had a license or certificate limited,  
2       suspended, or revoked and has not voluntarily  
3       surrendered a license or certificate in another  
4       jurisdiction while under investigation for licensing  
5       violations;
- 6       (7) Has not had an application for licensure denied, been  
7       censured, or had discipline imposed by another  
8       licensing authority; provided that if another  
9       jurisdiction has taken disciplinary action against the  
10       person, the licensing authority of this State shall  
11       determine if all terms and conditions of the  
12       discipline, if any, are satisfied and the matter  
13       resolved; provided further that if the terms and  
14       conditions of discipline have not been satisfied in  
15       that jurisdiction, the licensing authority may deny or  
16       refuse to issue a license applied for under this  
17       section until the terms and conditions of discipline  
18       are satisfied;
- 19       (8) Has not surrendered membership on any professional  
20       staff in any professional association, society, or  
21       faculty while under investigation or to avoid adverse



1           action for acts or conduct that would constitute  
2           grounds for disciplinary action in this State;  
3        (9) Pays all applicable fees;  
4        (10) Does not have a disqualifying criminal history as  
5           determined by the licensing authority; and  
6        (11) Submits with the application a signed affidavit  
7           stating that the application information, including  
8           evidence of requisite education, exam, and experience;  
9           prior employment; and criminal history record check,  
10          is true and accurate; provided that, upon receiving  
11          the affidavit, if the licensing authority issues the  
12          license to the person, the licensing authority may  
13          revoke the license at any time if the information  
14          provided in the application is found to be false or if  
15          the person fails to maintain the conditions of initial  
16          licensure.  
17        (b) A person who is licensed pursuant to this section  
18 shall be subject to the laws regulating the person's practice in  
19 this State and shall be subject to the jurisdiction of the  
20 licensing authority of this State.





1           ~~[(b)]~~ (c) The licensing authority shall issue to the  
2 ~~[military spouse]~~ person a temporary license to allow the  
3 ~~[military spouse]~~ person to perform specified services, under  
4 the supervision of a professional licensed by this State if  
5 appropriate, while completing any requirements necessary for  
6 licensure in this State; provided that a temporary license shall  
7 only be issued in those professions where credentials,  
8 experience, or passage of a national exam is substantially  
9 equivalent to or exceed those established by the licensing  
10 authority of this State.

11           ~~[(e)]~~ (d) The licensing authority shall expedite  
12 consideration of the application and issuance of a license by  
13 endorsement, license by reciprocity, or temporary license to a  
14 ~~[military spouse]~~ person who meets the requirements of this  
15 section.

16           ~~[(d)]~~ (e) A license ~~[by endorsement or reciprocity]~~ issued  
17 under subsection (a) shall be valid for the same period of time  
18 as a license issued pursuant to the requirements of title 25 for  
19 the particular profession; provided that the total time period  
20 that ~~[a military spouse]~~ the person holds a license issued ~~[by~~  
21 ~~endorsement or reciprocity]~~ under subsection (a) shall not



1 exceed five years in the aggregate[-] or the period covered  
2 under the military member's orders of assignment in the State."

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2022.



**Report Title:**

Military Dependents; Military Service Members; Government Employment; Temporary Professional License; Expedited Licensure Process

**Description:**

Exempts dependents of military service members from state residency requirement for government employment if the military service member is in Hawaii on bona fide military orders. Allows a spouse of an active duty service member in the military who accompanies the service member 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. Effective 1/1/2022. (SD2)

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

