

S.B. NO. 1115

JAN 27 2021

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 amend section 436B-
2 14.7, Hawaii Revised Statutes, to provide a streamlined pathway
3 for temporary professional licensure of a military spouse,
4 provided that the spouse holds a current unencumbered license in
5 one of the listed professions that have relatively uniform
6 standards for licensure or the licensure requirements of the
7 spouse's home jurisdiction are equivalent to or exceed those of
8 the State, and to amend section 78-1, Hawaii Revised Statutes,
9 to exempt dependents of military servicemembers from the
10 residency requirement for government employment when the
11 military servicemember's dependent is in Hawaii accompanying the
12 military servicemember on valid military orders.

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

15 "(c) All persons seeking employment with the government of
16 the State or in the service of any county shall be citizens,
17 nationals, or permanent resident aliens of the United States, or
18 eligible under federal law for unrestricted employment in the

S.B. NO. 1115

1 United States, and shall become residents of the State within
2 thirty days after beginning their employment as a condition of
3 eligibility for continued employment~~[=]~~, except that bona fide
4 military servicemembers' dependents are exempt from the
5 requirement to become residents if they are in the State by
6 virtue of the military servicemembers' orders.

7 "Resident" means a person who is physically present in the
8 State at the time the person claims to have established the
9 person's domicile in the State and shows the person's intent is to
10 make Hawaii the person's primary residence.

11 "Dependent", with respect to a servicemember, means the
12 servicemember's spouse, the servicemember's child who is under
13 the age of eighteen years, or an individual for whom the
14 servicemember provided more than one-half of the individual's
15 financial support for one hundred eighty days immediately
16 preceding an application for an exemption under this section."

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

19 "**§436B-14.7 Licensure by endorsement or licensure by**
20 **reciprocity; initial acceptance by affidavit, temporary license;**
21 **military spouse.** (a) [~~If a military spouse holds a current~~

S.B. NO. 1115

1 ~~license in another state, district, or territory of the United~~
2 ~~States with licensure requirements that the licensing authority~~
3 ~~determines are equivalent to or exceed those established by the~~
4 ~~licensing authority of this State, that military spouse shall~~
5 ~~receive a license pursuant to applicable statutes or~~
6 ~~requirements of the licensing authority of this State regarding~~
7 ~~licensure by endorsement or licensure by reciprocity; provided~~
8 ~~that the military spouse:~~

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

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

S.B. NO. 1115

1 ~~association, society, or faculty for another state or~~
2 ~~licensing jurisdiction while under investigation or to~~
3 ~~avoid adverse action for acts or conduct similar to~~
4 ~~acts or conduct which would constitute grounds for~~
5 ~~disciplinary action in this State;~~
6 ~~(3) Pays any fees required by the licensing authority of~~
7 ~~this State;~~
8 ~~(4) Submits with the application a signed affidavit~~
9 ~~stating that application information, including~~
10 ~~necessary prior employment history, is true and~~
11 ~~accurate. Upon receiving the affidavit, if the~~
12 ~~licensing authority issues the license to the military~~
13 ~~spouse, the licensing authority may revoke the license~~
14 ~~at any time if the information provided in the~~
15 ~~application is found to be false; and~~
16 ~~(5) Is the spouse of a military member who is a member in~~
17 ~~good standing in the active or a reserve component of~~
18 ~~any of the armed forces of the United States and the~~
19 ~~military member has orders issued by the appropriate~~
20 ~~agencies of the armed forces to be stationed in Hawaii~~
21 ~~for a duration of at least one year.] Notwithstanding~~

S.B. NO. 1115

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

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

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

9 (A) As an accountant, an acupuncturist, an architect,
10 an athlete agent, an athletic trainer, a behavior
11 analyst, a dentist, a dispensing optician, an
12 engineer, a hearing aid dealer and fitter, a
13 marriage and family therapist, a certified nurse
14 aide, a licensed practical nurse, a registered
15 nurse, a nursing home administrator, an
16 occupational therapist, an optometrist, a
17 pharmacist, a naturopathic physician, an
18 osteopathic physician, a physician, a physician
19 assistant, a podiatrist, a psychologist, a real
20 estate appraiser, a respiratory therapist, a
21 social worker, a speech pathologist, an
22 audiologist, or a veterinary technician; or

S.B. NO. 1115

- 1 (B) 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;
- 21 (6) Has not had a license or certificate limited,
22 suspended, or revoked and has not voluntarily

S.B. NO. 1115

1 surrendered a license or certificate in another
2 jurisdiction while under investigation for licensing
3 violations;

4 (7) Has not had an application for licensure denied, been
5 censured, or had discipline imposed by another
6 licensing authority. If another jurisdiction has
7 taken disciplinary action against the person, the
8 licensing authority of this State shall determine if
9 all terms and conditions of the discipline, if any,
10 are satisfied and the matter resolved. If the
11 conditions of discipline have not been satisfied in
12 that jurisdiction, the licensing authority may deny or
13 not issue a license applied for under this section
14 until the conditions of discipline are satisfied;

15 (8) Has not surrendered membership on any professional
16 staff in any professional association, society, or
17 faculty while under investigation or to avoid adverse
18 action for acts or conduct that would constitute
19 grounds for disciplinary action in this State;

20 (9) Pays all applicable fees;

21 (10) Does not have a disqualifying criminal history as
22 determined by the licensing authority; and

S.B. NO. 1115

1 (11) Submits with the application a signed affidavit stating
2 that the application information, including evidence
3 of requisite education, exam, and experience, prior
4 employment, and criminal history record check, is true
5 and accurate. Upon receiving the affidavit, if the
6 licensing authority issues the license to the person,
7 the licensing authority may revoke the license at any
8 time if the information provided in the application is
9 found to be false or if the person fails to maintain
10 the conditions of initial licensure.

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

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

S.B. NO. 1115

1 equivalent to or exceed those established by the licensing
2 authority of this State.

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

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

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

19 SECTION 5. This Act shall take effect upon its approval.

20

21

INTRODUCED BY: *M. N. U.*

22

BY REQUEST

S.B. NO. 1115

Report Title:

Military Dependents

Description:

Allows a person who is a spouse of an active duty service member in the military; 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 of Hawaii, and exempts dependents of military servicemembers from state residency requirement for employment with state or county government if the military servicemember is in Hawaii on bona fide military orders.

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

SB. NO. 1115

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO
MILITARY DEPENDENTS.

PURPOSE: To allow a spouse of a military servicemember stationed in the State of Hawaii who holds a current, unencumbered license in another jurisdiction in specific professions, or whose license requirements are determined by the State to meet or exceed those of that profession in the State, to expedite the licensing process to work in the State of Hawaii, and to exempt dependents of military servicemembers from the residency requirement in state hiring.

MEANS: Amend sections 78-1(c) and 436B-14.7, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The proposed amendment to section 436B-14.7, HRS, is needed to facilitate temporary licensure in Hawaii for a military spouse who holds a license in another jurisdiction. Military spouses who accompany their armed servicemember on a permanent change of station (PCS) to the State of Hawaii sometimes have a difficult time securing a license from the State, leading to months of nonemployment. A typical PCS tour last 2-3 years and it often takes 3-4 months to obtain licensure for a spouse who holds a license to practice a certain profession or vocation in another jurisdiction.

Most military spouses accompanying their servicemember on a PCS must apply for licensure through a

SB. NO. 1115

license reciprocity process that mandates license equivalency, which may be problematic for applicants depending upon their home jurisdiction.

The proposed amendment to section 436B-14.7 provides a streamlined pathway for temporary professional licensure of a military spouse, provided that the military spouse holds a current unencumbered license in one of the certain enumerated professions, or the licensure requirements of the spouse's home jurisdiction are equivalent to or exceed those of the State. This bill would remove the 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.

The amendment to section 78-1(c), HRS, will allow dependents of servicemembers (including civilian spouses, children under 18, and individuals for whom the servicemember provides more than one-half of the individual's financial support) who maintain residency in a state other than Hawaii to be considered for employment in state or county government.

Impact on the public: These amendments may lead to more qualified professional and vocational licensees who can practice in the

SB. NO. 1115

State and a wider pool of applicants for state and county employment.

Impact on the department and other agencies:

A wider pool of applicants will likely increase the quality of potential employees available to state and county departments and other agencies and help fill vacancies in challenging and difficult to fill license positions.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM
DESIGNATION: DEF 110 / HRD 102.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.