

ACT 18

H.B. NO. 961

A Bill for an Act Relating to Military Dependents.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to:

- (1) Exempt dependents of military service members from the residency requirement for government employment when the military service member's dependent is in Hawaii accompanying the military service member on valid military orders; and
- (2) Provide a streamlined pathway for temporary professional licensure of a military spouse.

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

“(c) All persons seeking employment with the government of the State or in the service of any county shall be citizens, nationals, or permanent resident aliens of the United States, or eligible under federal law for unrestricted employment in the United States, and shall become residents of the State within thirty days after beginning their employment and as a condition of eligibility for continued employment[-]; provided that bona fide military service members' dependents shall be exempt from the requirement to become residents if the dependents are in the State by virtue of the military service members' orders.

For purposes of this subsection:

“Dependent”, with respect to a service member, means the service member's spouse, child who is under the age of eighteen years, or an individual for whom the service member provided more than one-half of the individual's finan-

cial support for one hundred eighty days immediately preceding an application for an exemption under this section.

“Resident” means a person who is physically present in the State at the time the person claims to have established the person’s domicile in the State and shows the person’s intent is to make Hawaii the person’s primary residence.”

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

“§436B-14.7 Licensure by endorsement or licensure by reciprocity; initial acceptance by affidavit; temporary license; military spouse. (a) ~~[If a military spouse 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 military spouse 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 military spouse:~~

- ~~(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 military spouse 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;~~
- ~~(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, if the licensing authority issues the license to the military spouse, the licensing authority may revoke the license at any time if the information provided in the application is found to be false; and~~
- ~~(5) Is the spouse of a military member who is a member in good standing in the active or a reserve component of any of the armed forces of the United States and the military member has orders issued by the appropriate agencies of the armed forces to be stationed in Hawaii for a duration of at least one year.]~~

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

- (1) Is accompanying the member on an official permanent change of station to a military installation located in this State;
- (2) Either holds a license in another jurisdiction of the United States:
 - (A) As an acupuncturist, behavior analyst, dentist, dispensing optician, hearing aid dealer and fitter, marriage and family therapist, mental health counselor, certified nurse aide, licensed practical nurse, registered nurse, nursing home administra-

tor, occupational therapist, optometrist, pharmacist, naturopathic physician, osteopathic physician, physician, physician assistant, podiatrist, psychologist, respiratory therapist, social worker, speech pathologist, audiologist, or veterinary technician; or

- (B) Is in a profession or vocation not included in subparagraph (A) for which the licensing authority of this State has determined that the licensure requirements of the other jurisdiction are equivalent to or exceed those of this State;
- (3) Has been licensed or certified by another jurisdiction of the United States for at least one year, and the license or certification is current, active, and in good standing without conditions or restrictions in all jurisdictions in which the person holds a license or certification;
- (4) Has met minimum education requirements and applicable work experience and clinical supervision requirements when licensed or certified by another jurisdiction, and the other jurisdiction verifies that the person met those requirements to become licensed or certified in that jurisdiction;
- (5) Has passed the examination requirements for the license or certification, if required by the licensing authority of this State or another jurisdiction;
- (6) Has not had a license or certificate limited, suspended, or revoked and has not voluntarily surrendered a license or certificate in another jurisdiction while under investigation for licensing violations;
- (7) Has not had an application for licensure denied, been censured, or had discipline imposed by another licensing authority; provided that if another jurisdiction has taken disciplinary action against the person, the licensing authority of this State shall determine if all terms and conditions of the discipline, if any, are satisfied and the matter resolved; provided further that if the terms and conditions of discipline have not been satisfied in that jurisdiction, the licensing authority may deny or refuse to issue a license applied for under this section until the terms and conditions of discipline are satisfied;
- (8) Has not surrendered membership on any professional staff in any professional association, society, or faculty while under investigation or to avoid adverse action for acts or conduct that would constitute grounds for disciplinary action in this State;
- (9) Pays all applicable fees;
- (10) Does not have a disqualifying criminal history as determined by the licensing authority; and
- (11) Submits with the application a signed affidavit stating that the application information, including evidence of requisite education, exam, and experience; prior employment; and criminal history record check, is true and accurate; provided that, upon receiving the affidavit, if the licensing authority issues the license to the person, the licensing authority may revoke the license at any time if the information provided in the application is found to be false or if the person fails to maintain the conditions of initial licensure.

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

~~[(b)]~~ (c) The licensing authority shall issue to the [military spouse] person a temporary license to allow the [military spouse] person to perform specified services, under the supervision of a professional licensed by this State if

ACT 18

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.

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

~~[(d)]~~ (e) A license ~~[by endorsement or reciprocity]~~ issued under subsection (a) shall be valid for the same period of time as a license issued pursuant to the requirements of title 25 for the particular profession; provided that the total time period that ~~[a military spouse]~~ the person holds a license issued ~~[by endorsement or reciprocity]~~ under subsection (a) shall not exceed five years in the aggregate~~[-]~~ or the period covered under the military member's orders of assignment in the State."

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

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

(Approved May 25, 2021.)