

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

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

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

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

16           The legislature additionally finds that Act 248, Session  
17 Laws of Hawaii 2012, was one measure that demonstrated Hawaii's  
18 commitment to this nationwide effort. However, amendments to



1 Act 248 are needed to clarify the requirements for service  
2 member licensure in Hawaii.

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

- 5 (1) Clarifying that licensing authorities shall consider  
6 relevant education, training, or service completed by  
7 service members;
- 8 (2) Permitting licensure by endorsement or licensure by  
9 reciprocity in certain situations for service members;
- 10 (3) Establishing procedures for service members to receive  
11 a license by endorsement or license by reciprocity;
- 12 (4) Permitting issuance of a temporary license if certain  
13 requirements are met; and
- 14 (5) Requiring the licensing authority to expedite  
15 consideration of the application and issuance of a  
16 license by endorsement, license by reciprocity, or  
17 temporary license to a qualified service member.

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

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



1           "§436B-       ~~[Licensure; acceptance of military education,~~  
2 ~~training, or service.]~~ Service member licensure.   (a)  
3 Notwithstanding any law to the contrary, every licensing  
4 authority subject to this chapter, upon presentation of  
5 satisfactory evidence by an applicant, shall consider relevant  
6 education, training, or service completed by ~~[an individual as a~~  
7 ~~member of the armed forces or reserves of the United States, the~~  
8 ~~national guard of any state, the military reserves of any state,~~  
9 ~~or the navy militia of any state]~~ a service member as part of  
10 the evaluation process toward the qualification requirements to  
11 receive the license. Evidence presented for consideration for  
12 fulfillment or partial fulfillment of licensing requirements  
13 shall demonstrate substantial equivalency to state standards.

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

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

18           (2) An honorably discharged member of the armed forces or  
19 reserves of the United States or the Hawaii national  
20 guard who has transitioned out of the military within  
21 the previous six months and had been stationed in  
22 Hawaii by a proper order of the United States



1           Department of Defense immediately prior to the service  
2           member's honorable discharge.

3           (c) Unless otherwise provided by law, an applicant for  
4           licensure by endorsement or licensure by reciprocity who is a  
5           service member may demonstrate competency in a specific  
6           profession or vocation as determined by the licensing authority  
7           in lieu of a requirement that the applicant has worked or  
8           practiced in that profession or vocation for a specified period  
9           of time prior to the application for licensure by endorsement or  
10           licensure by reciprocity.

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

15           (e) If a service member holds a current license in another  
16           state, district, or territory of the United States with  
17           licensure requirements that the licensing authority determines  
18           are equivalent to or exceed those established by the licensing  
19           authority of this State, that service member shall receive a  
20           license pursuant to applicable statutes or requirements of the  
21           licensing authority of this State regarding licensure by



1 endorsement or licensure by reciprocity; provided that the  
2 service member:

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

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



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

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

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

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

15      (f) The licensing authority shall issue to the service  
16      member a temporary license to allow the service member to  
17      perform specified services, under the supervision of a  
18      professional licensed by this State if appropriate, while  
19      completing any requirements necessary for licensure in this  
20      State; provided that a temporary license shall only be issued in  
21      those professions where credentials, experience, or passage of a



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

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

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

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

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**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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