

7596

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 23, 2013

---

Introduced by M. of A. KATZ -- read once and referred to the Committee  
on Higher Education

AN ACT to amend the education law, in relation to allowing licensure by  
endorsement by military spouses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Section 6505-c of the education law is amended by adding  
2     three new subdivisions 5, 6 and 7 to read as follows:

3     5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OCCUPATIONAL LICENS-  
4     ING BOARD SHALL ISSUE A LICENSE, CERTIFICATION, OR REGISTRATION TO A  
5     MILITARY SPOUSE TO ALLOW THE MILITARY SPOUSE TO LAWFULLY PRACTICE THE  
6     MILITARY SPOUSE'S OCCUPATION IN THIS STATE IF, UPON APPLICATION TO AN  
7     OCCUPATIONAL LICENSING BOARD, THE MILITARY SPOUSE SATISFIES THE FOLLOW-  
8     ING CONDITIONS:

9     (A) HOLDS A CURRENT LICENSE, CERTIFICATION, OR REGISTRATION FROM  
10     ANOTHER JURISDICTION, AND THAT JURISDICTION'S REQUIREMENTS FOR LICEN-  
11     SURE, CERTIFICATION, OR REGISTRATION ARE SUBSTANTIALLY EQUIVALENT TO OR  
12     EXCEED THE REQUIREMENTS FOR LICENSURE, CERTIFICATION, OR REGISTRATION OF  
13     THE OCCUPATIONAL LICENSING BOARD FOR WHICH THE APPLICANT IS SEEKING  
14     LICENSURE, CERTIFICATION, OR REGISTRATION IN THIS STATE.

15     (B) DEMONSTRATES COMPETENCY IN THE OCCUPATION THROUGH METHODS AS  
16     DETERMINED BY THE BOARD, SUCH AS HAVING COMPLETED CONTINUING EDUCATION  
17     UNITS OR HAVING HAD RECENT EXPERIENCE FOR AT LEAST TWO OF THE FIVE YEARS  
18     PRECEDING THE DATE OF THE APPLICATION UNDER THIS SECTION.

19     (C) HAS NOT COMMITTED ANY ACT IN ANY JURISDICTION THAT WOULD HAVE  
20     CONSTITUTED GROUNDS FOR REFUSAL, SUSPENSION, OR REVOCATION OF A LICENSE  
21     TO PRACTICE THAT OCCUPATION IN THIS STATE AT THE TIME THE ACT WAS  
22     COMMITTED.

23     (D) IS IN GOOD STANDING AND HAS NOT BEEN DISCIPLINED BY THE AGENCY  
24     THAT HAD JURISDICTION TO ISSUE THE LICENSE, CERTIFICATION, OR PERMIT.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD08153-01-3

1 (E) PAYS ANY FEES REQUIRED BY THE OCCUPATIONAL LICENSING BOARD FOR  
2 WHICH THE APPLICANT IS SEEKING LICENSURE, CERTIFICATION, OR REGISTRATION  
3 IN THIS STATE.

4 6. AN OCCUPATIONAL LICENSING BOARD MAY ISSUE A TEMPORARY PRACTICE  
5 PERMIT TO A MILITARY-TRAINED APPLICANT OR MILITARY SPOUSE LICENSED,  
6 CERTIFIED, OR REGISTERED IN ANOTHER JURISDICTION WHILE THE  
7 MILITARY-TRAINED APPLICANT OR MILITARY SPOUSE IS SATISFYING THE REQUIRE-  
8 MENTS FOR LICENSURE UNDER THIS SECTION IF THAT JURISDICTION HAS LICEN-  
9 SURE, CERTIFICATION, OR REGISTRATION STANDARDS SUBSTANTIALLY EQUIVALENT  
10 TO THE STANDARDS FOR LICENSURE, CERTIFICATION, OR REGISTRATION OF AN  
11 OCCUPATIONAL LICENSING BOARD IN THIS STATE. THE MILITARY-TRAINED APPLI-  
12 CANT OR MILITARY SPOUSE MAY PRACTICE UNDER THE TEMPORARY PERMIT UNTIL A  
13 LICENSE, CERTIFICATION, OR REGISTRATION IS GRANTED OR UNTIL A NOTICE TO  
14 DENY A LICENSE, CERTIFICATION, OR REGISTRATION IS ISSUED IN ACCORDANCE  
15 WITH RULES ADOPTED BY THE OCCUPATIONAL LICENSING BOARD.

16 7. FOR THE PURPOSES OF THIS SECTION:

17 (A) AN OCCUPATIONAL LICENSING BOARD MAY ADOPT RULES NECESSARY TO  
18 IMPLEMENT THIS SECTION.

19 (B) ALL RELEVANT EXPERIENCE, INCLUDING FULL-TIME AND PART-TIME EXPERI-  
20 ENCE, REGARDLESS OF WHETHER IN A PAID OR VOLUNTEER CAPACITY, SHALL BE  
21 CREDITED IN THE CALCULATION OF YEARS OF PRACTICE IN AN OCCUPATION.

22 (C) A NONRESIDENT LICENSED, CERTIFIED, OR REGISTERED UNDER THIS  
23 SECTION SHALL BE ENTITLED TO THE SAME RIGHTS AND SUBJECT TO THE SAME  
24 OBLIGATIONS AS REQUIRED OF A RESIDENT LICENSED, CERTIFIED, OR REGISTERED  
25 BY AN OCCUPATIONAL LICENSING BOARD IN THIS STATE.

26 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A MILITAR-  
27 Y-TRAINED APPLICANT OR MILITARY SPOUSE FROM PROCEEDING UNDER THE EXIST-  
28 ING LICENSURE, CERTIFICATION, OR REGISTRATION REQUIREMENTS ESTABLISHED  
29 BY AN OCCUPATIONAL LICENSING BOARD IN THIS STATE.

30 S 2. This act shall take effect immediately, provided, however, the  
31 commissioner of education shall have the power to promulgate any rules  
32 or regulations necessary for the implementation of this act prior to the  
33 date on which this act shall have become a law.