S T A T E O F N E W Y O R K

2590

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. KATZ -- Multi-Sponsored by -- M. of A. BLANKENBUSH, CROUCH, DiPIETRO, FINCH, GOODELL, HAWLEY, STEC, TENNEY -- 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:

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

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OCCUPATIONAL LICENSING BOARD SHALL ISSUE A LICENSE, CERTIFICATION, OR REGISTRATION TO A MILITARY SPOUSE TO ALLOW THE MILITARY SPOUSE TO LAWFULLY PRACTICE THE MILITARY SPOUSE'S OCCUPATION IN THIS STATE IF, UPON APPLICATION TO AN OCCUPATIONAL LICENSING BOARD, THE MILITARY SPOUSE SATISFIES THE FOLLOWING CONDITIONS:

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

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

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

(D) IS IN GOOD STANDING AND HAS NOT BEEN DISCIPLINED BY THE AGENCY 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.

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

6. AN OCCUPATIONAL LICENSING BOARD MAY ISSUE A TEMPORARY PRACTICE PERMIT TO A MILITARY-TRAINED APPLICANT OR MILITARY SPOUSE LICENSED, CERTIFIED, OR REGISTERED IN ANOTHER JURISDICTION WHILE THE MILITARY-TRAINED APPLICANT OR MILITARY SPOUSE IS SATISFYING THE REQUIREMENTS FOR LICENSURE UNDER THIS SECTION IF THAT JURISDICTION HAS LICENSURE, CERTIFICATION, OR REGISTRATION STANDARDS SUBSTANTIALLY EQUIVALENT TO THE STANDARDS FOR LICENSURE, CERTIFICATION, OR REGISTRATION OF AN OCCUPATIONAL LICENSING BOARD IN THIS STATE. THE MILITARY-TRAINED APPLICANT OR MILITARY SPOUSE MAY PRACTICE UNDER THE TEMPORARY PERMIT UNTIL A LICENSE, CERTIFICATION, OR REGISTRATION IS GRANTED OR UNTIL A NOTICE TO DENY A LICENSE, CERTIFICATION, OR REGISTRATION IS ISSUED IN ACCORDANCE WITH RULES ADOPTED BY THE OCCUPATIONAL LICENSING BOARD.

7. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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