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

4394--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. ORTIZ, STEC, BUTLER, TENNEY, LUPINACCI, BLANKENBUSH, MONTESANO, RA, OAKS, HAWLEY, PAULIN, WOERNER, CUSICK, STIRPE, FITZPATRICK, SKOUFIS, BLAKE, GARBARINO, BUCHWALD, RUSSELL -- Multi-Sponsored by -- M. of A. DUPREY, LUPARDO, MAGEE, McDONOUGH, THIELE -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to expedited licensing by certain military spouses

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

Section 1. Section 6501 of the education law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

S 6501. Admission to a profession (licensing). 1. Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession and shall meet the requirements prescribed in section 3-503 of the general obligations law.

2. A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLICANT SEEKING TO QUALIFY FOR A LICENSE PURSUANT TO THIS TITLE WHO IS THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AS DEFINED IN 10 U.S.C. SECTIONS 1209 AND 1211, AND SUCH SPOUSE IS TRANSFERRED BY THE MILITARY TO THIS STATE SHALL BE AFFORDED AN EXPEDITED REVIEW OF HIS OR HER APPLICATION FOR LICENSURE. SUCH APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL INCLUDE AN ATTESTATION BY THE APPLICANT OF THE MILITARY STATUS OF HIS OR HER SPOUSE AND ANY OTHER SUCH SUPPORTING DOCUMENTATION THAT THE DEPARTMENT MAY REQUIRE. UPON REVIEW OF SUCH APPLICATION, THE DEPARTMENT SHALL ISSUE A LICENSE TO THE APPLICANT IF THE APPLICANT HOLDS

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

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A LICENSE IN GOOD STANDING IN ANOTHER STATE AND IN THE OPINION OF THE DEPARTMENT, THE REQUIREMENTS FOR LICENSURE OF SUCH OTHER STATE ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS FOR LICENSURE IN THIS STATE.

B. IN ADDITION TO THE EXPEDITED REVIEW GRANTED IN PARAGRAPH A OF THIS SUBDIVISION, AN APPLICANT WHO PROVIDES SATISFACTORY DOCUMENTATION THAT HE OR SHE HOLDS A LICENSE IN GOOD STANDING FROM ANOTHER STATE, MAY REQUEST THE ISSUANCE OF A TEMPORARY PRACTICE PERMIT, WHICH, IF GRANTED WILL PERMIT THE APPLICANT TO WORK UNDER THE SUPERVISION OF A NEW YORK STATE LICENSEE IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY GRANT SUCH TEMPORARY PRACTICE PERMIT WHEN IT APPEARS BASED ON THE APPLICATION AND SUPPORTING DOCUMENTATION RECEIVED THAT THE APPLICANT WILL MEET THE REQUIREMENTS FOR LICENSURE IN THIS STATE BECAUSE HE OR SHE HOLDS A LICENSE IN GOOD STANDING FROM ANOTHER STATE WITH SIGNIFICANTLY COMPARABLE LICENSURE REQUIREMENTS TO THOSE OF THIS STATE, EXCEPT THE DEPARTMENT HAS NOT BEEN ABLE TO SECURE DIRECT SOURCE VERIFICATION OF THE APPLICANT'S UNDERLYING CREDENTIALS (E.G., RECEIPT OF ORIGINAL TRANSCRIPT, EXPERIENCE VERIFICATION). SUCH PERMIT SHALL BE VALID FOR SIX MONTHS OR UNTIL TEN DAYS AFTER NOTIFICATION THAT THE APPLICANT DOES NOT MEET THE QUALIFICATIONS FOR LICENSURE. AN ADDITIONAL SIX MONTHS MAY BE GRANTED UPON A DETERMINATION BY THE DEPARTMENT THAT THE APPLICANT IS EXPECTED TO QUALIFY FOR THE FULL LICENSE UPON RECEIPT OF THE REMAINING DIRECT SOURCE VERIFICATION DOCUMENTS REQUESTED BY THE DEPARTMENT IN SUCH TIME PERIOD AND THAT THE DELAY IN PROVIDING THE NECESSARY DOCUMENTATION FOR FULL LICENSURE WAS DUE TO EXTENUATING CIRCUMSTANCES WHICH THE MILITARY SPOUSE COULD NOT AVOID.

C. A TEMPORARY PRACTICE PERMIT ISSUED UNDER PARAGRAPH B OF THIS SUBDIVISION SHALL BE SUBJECT TO THE FULL DISCIPLINARY AND REGULATORY AUTHORITY OF THE BOARD OF REGENTS AND THE DEPARTMENT, PURSUANT TO THIS TITLE, AS IF SUCH AUTHORIZATION WERE A PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

D. THE DEPARTMENT SHALL REDUCE THE INITIAL LICENSURE APPLICATION FEE BY ONE-HALF FOR ANY APPLICATION SUBMITTED BY A MILITARY SPOUSE UNDER THIS SUBDIVISION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.