

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, BLANKEN-
BUSH, 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 -- recom-
mitted to the Committee on Higher Education in accordance with Assem-
bly 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6501 of the education law, as amended by chapter 81
2 of the laws of 1995, is amended to read as follows:
3 S 6501. Admission to a profession (licensing). 1. Admission to prac-
4 tice of a profession in this state is accomplished by a license being
5 issued to a qualified applicant by the education department. To qualify
6 for a license an applicant shall meet the requirements prescribed in the
7 article for the particular profession and shall meet the requirements
8 prescribed in section 3-503 of the general obligations law.
9 2. A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLI-
10 CANT SEEKING TO QUALIFY FOR A LICENSE PURSUANT TO THIS TITLE WHO IS THE
11 SPOUSE OF AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED
12 STATES, NATIONAL GUARD OR RESERVES AS DEFINED IN 10 U.S.C. SECTIONS 1209
13 AND 1211, AND SUCH SPOUSE IS TRANSFERRED BY THE MILITARY TO THIS STATE
14 SHALL BE AFFORDED AN EXPEDITED REVIEW OF HIS OR HER APPLICATION FOR
15 LICENSURE. SUCH APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE DEPART-
16 MENT AND SHALL INCLUDE AN ATTESTATION BY THE APPLICANT OF THE MILITARY
17 STATUS OF HIS OR HER SPOUSE AND ANY OTHER SUCH SUPPORTING DOCUMENTATION
18 THAT THE DEPARTMENT MAY REQUIRE. UPON REVIEW OF SUCH APPLICATION, THE
19 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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1 A LICENSE IN GOOD STANDING IN ANOTHER STATE AND IN THE OPINION OF THE
2 DEPARTMENT, THE REQUIREMENTS FOR LICENSURE OF SUCH OTHER STATE ARE
3 SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS FOR LICENSURE IN THIS
4 STATE.

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

27 C. A TEMPORARY PRACTICE PERMIT ISSUED UNDER PARAGRAPH B OF THIS SUBDI-
28 VISION SHALL BE SUBJECT TO THE FULL DISCIPLINARY AND REGULATORY AUTHORI-
29 TY OF THE BOARD OF REGENTS AND THE DEPARTMENT, PURSUANT TO THIS TITLE,
30 AS IF SUCH AUTHORIZATION WERE A PROFESSIONAL LICENSE ISSUED UNDER THIS
31 ARTICLE.

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

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