

HOUSE BILL No. 2077

By Committee on Veterans, Military and Homeland Security

1-23

1 AN ACT concerning licensing bodies; relating to licensure and military
2 service members; amending K.S.A. 2012 Supp. 48-3406 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) For the purposes of this section:

7 (1) "Applicant" means a person who entered into military service and
8 separated from such military service ~~under conditions other than~~
9 ~~dishonorable~~ **with an honorable discharge or a general discharge under**
10 **honorable conditions;**

11 (2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-
12 146, and amendments thereto; and

13 (3) "military service" means the army, navy, marine corps, air force,
14 air or army national guard of any state, coast guard or any branch of the
15 military reserves of the United States.

16 (b) **(1)** Notwithstanding any other provision of law, upon presentation
17 of ~~satisfactory evidence~~ a **completed complete application** by an
18 applicant **with an honorable discharge** for certification or licensure, a
19 licensing body shall accept education, training or service completed in
20 military service by the applicant towards ~~the qualifications to receive the~~
21 ~~license or certification unless such licensing body determines that such~~
22 ~~education, training or service is not substantially equivalent to the~~
23 ~~standards required for certification or licensure in this state~~ **any**
24 **educational requirements for certification or licensure in this state if**
25 **the applicant demonstrates to the satisfaction of the licensing body**
26 **that such education, training or service obtained is substantially**
27 **equivalent to the existing educational requirements of such licensure**
28 **or certification. No education, training or service shall count towards**
29 **any examination requirements unless such licensing body has**
30 **provided a waiver for such requirement. The licensing body may**
31 **require the applicant to provide documentation of such education,**
32 **training or service as deemed necessary by the licensing body to**
33 **determine substantial equivalency.**

34 (2) A licensing board under this section may accept education,

1 training or service completed in military service towards any
2 educational requirements for certification or licensure in this state if ~~a~~
3 ~~an~~ ~~person~~ applicant was separated from military service ~~under~~
4 ~~honorable conditions (general) discharge with a general discharge~~
5 ~~under honorable conditions.~~

6 (c) Each licensing body may adopt rules and regulations necessary to
7 implement and carry out the provisions of this section.

8 (d) This section shall not apply to the practice of law or the regulation
9 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

10 Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as
11 follows: 48-3406. (a) *For the purposes of this section:*

12 (1) *"Licensing body" has the meaning ascribed thereto in K.S.A. 74-*
13 *146, and amendments thereto;*

14 (2) *"military service" means the army, navy, marine corps, air force,*
15 *air or army national guard of any state, coast guard or any branch of the*
16 *military reserves of the United States;*

17 (3) *"military service member" means a member who entered into*
18 *military service and separated from such military service ~~under conditions~~*
19 *other than dishonorable with an honorable discharge or a general*
20 *discharge under honorable conditions; and*

21 (4) *"military spouse" means the spouse of an individual who is*
22 *currently in active service in any branch of the armed forces of the United*
23 *States.*

24 (b) Notwithstanding any other provision of law, any licensing body,
25 as defined by K.S.A. 74-146, and amendments thereto, shall;

26 (1) Upon ~~submission of a~~ ~~completed~~ ~~complete~~ application, issue a
27 license to a nonresident military spouse, so that the nonresident military
28 spouse may lawfully practice the person's occupation; and

29 (2) ~~upon filing of an~~ ~~submission of a~~ ~~completed~~ ~~complete~~
30 ~~application within six months following release from military service,~~
31 ~~issue a license to a military service member~~ ~~with an honorable discharge~~
32 ~~so that the military service member may lawfully practice the person's~~
33 ~~occupation.~~

34 (b) (c) A military service member **with an honorable discharge** or
35 nonresident military spouse shall receive a license under subsection (a)(b)
36 of this section:

37 (1) Pursuant to applicable licensure by endorsement, **reinstatement**
38 or reciprocity statutes of the licensing body of this state for the profession
39 license; or

40 (2) if the professional practice act does not have licensure by
41 endorsement, **reinstatement** or reciprocity statutes, then, at the time of
42 application, the *military service member or nonresident* military spouse:

43 (A) Holds a current license in another state, district or territory of the

1 United States with licensure requirements that the licensing body
2 determines are equivalent to those established by the licensing body of this
3 state;

4 (B) has not committed an act in any jurisdiction that would have
5 constituted grounds for the limitation, suspension or revocation or that the
6 applicant has never been censured or had other disciplinary action taken or
7 had an application for licensure denied or refused to practice an occupation
8 for which the *military service member or nonresident* military spouse
9 seeks licensure;

10 (C) has not been disciplined by a licensing or credentialing entity in
11 another jurisdiction and is not the subject of an unresolved complaint,
12 review procedure or disciplinary proceeding conducted by a licensing or
13 credentialing entity in another jurisdiction nor has surrendered their
14 membership on any professional staff in any professional association or
15 society or faculty for another state or licensing jurisdiction while under
16 investigation or to avoid adverse action for acts or conduct similar to acts
17 or conduct which would constitute grounds for disciplinary action in a
18 Kansas practice act;

19 (D) pays any fees required by the licensing body of this state; and

20 (E) submits with the application a signed affidavit stating that the
21 application information, including necessary prior employment history, is
22 true and accurate. Upon receiving such affidavit, the licensing body shall
23 issue the license to the *military service member or the nonresident* military
24 spouse on a probationary basis, but may revoke the license at any time if
25 the information provided in the application is found to be false. **Any**
26 **probationary license issued under this section to a military service**
27 **member or nonresident military spouse shall not exceed three months.**

28 ~~(e)~~ (d) Any person who has not been in the active practice of the
29 occupation during the two years preceding the application for which the
30 applicant seeks a license may be required to complete such additional
31 testing, training, mentoring, monitoring or education as the Kansas
32 licensing body may deem necessary to establish the applicant's present
33 ability to practice with reasonable skill and safety.

34 ~~(d)~~ (e) A nonresident military spouse licensed under this section shall
35 be entitled to the same rights and subject to the same obligations as are
36 provided by the licensing body for Kansas residents, except that revocation
37 or suspension of a nonresident military spouse's license in the nonresident
38 military spouse's state of residence or any jurisdiction in which the
39 nonresident military spouse held licensure shall automatically cause the
40 same revocation or suspension of such nonresident military spouse's
41 license in Kansas. No hearing shall be granted to a nonresident licensee
42 where the license is subject to such automatic revocation or suspension
43 except for the purpose of establishing the fact of revocation or suspension

1 of the nonresident military spouse's license by the nonresident military
2 spouse's state of residence.

3 ~~(e) For the purposes of this section, "military spouse" means the~~
4 ~~spouse of an individual who is currently in active service in any branch of~~
5 ~~the armed forces of the United States.~~

6 *(f) In the event the licensing body determines that the license*
7 *currently held by the military service member under subsection (c)(2)(A)*
8 *is not equivalent to those ~~established~~ issued by the licensing body of this*
9 *state, the licensing body may issue a temporary permit for a limited period*
10 *of time to allow the military service member to lawfully practice the*
11 *person's occupation while completing any specific requirements that are*
12 *required in this state for licensure that were not required in the state,*
13 *district or territory of the United States in which the military service*
14 *member was licensed or certified.*

15 **(g) A licensing board may grant certification, licensure or a**
16 **temporary permit to any person who meets the requirements under**
17 **this section but was separated from such military service ~~under~~**
18 **~~honorable conditions (general) discharge with a general discharge~~**
19 ***under honorable conditions.***

20 **(h) Each licensing body may adopt rules and regulations**
21 **necessary to implement and carry out the provisions of this section.**

22 ~~(f)~~ **(i)** This section shall not apply to the practice of law or the
23 regulation of attorneys pursuant to K.S.A 7-103, and amendments thereto.

24 Sec. 3. K.S.A. 2012 Supp. 48-3406 is hereby repealed.

25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.