

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

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

6 (1) "Applicant" means a person who entered into military service and
7 separated from such military service under conditions other than
8 dishonorable;

9 (2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-
10 146, and amendments thereto; and

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

14 (b) ~~Notwithstanding any other provision of law, upon presentation of~~
15 ~~satisfactory evidence by an applicant for certification or licensure, a~~
16 ~~licensing body shall accept education, training or service completed in~~
17 ~~military service by the applicant towards the qualifications to receive the~~
18 ~~license or certification unless such licensing body determines that such~~
19 ~~education, training or service is not substantially equivalent to the~~
20 ~~standards required for certification or licensure in this state.~~

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

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

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

27 (1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-
28 146, and amendments thereto;

29 (2) "military service" means the army, navy, marine corps, air force,
30 air or army national guard of any state, coast guard or any branch of the
31 military reserves of the United States;

32 (3) "military service member" means a member who entered into
33 military service and separated from such military service under conditions
34 other than dishonorable; and

35 (4) "military spouse" means the spouse of an individual who is
36

Proposed Amendments for HB 2077
offered by Chairman Goico
For Committee on Veterans, Military and Homeland Security
February 12, 2013
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Office of Revisor of Statutes

Insert: "with an honorable discharge"

Insert: "(1)"

Insert: "a completed application"

Insert: "any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency."

Insert: "(2) A licensing board under this section may accept education, training or service completed in military service towards any educational requirements for certification or licensure in this state if a person was separated from military service under honorable conditions (general) discharge."

Insert: "with an honorable discharge"

1 *currently in active service in any branch of the armed forces of the United*
2 *States.*

3 (b) Notwithstanding any other provision of law, any licensing body,
4 ~~as defined by K.S.A. 74-146, and amendments thereto, shall:~~

5 (1) Upon application, issue a license to a nonresident military spouse,
6 so that the nonresident military spouse may lawfully practice the person's
7 occupation; and

8 (2) ~~upon filing of an application within six months following release~~
9 ~~from military service, issue a license to a military service member so that~~
10 ~~the military service member may lawfully practice the person's~~
11 ~~occupation.~~

12 (b) (c) A military service member or nonresident military spouse shall
13 receive a license under subsection (a)(b) of this section.

14 (1) Pursuant to applicable licensure by endorsement or reciprocity
15 statutes of the licensing body of this state for the profession license, or

16 (2) if the professional practice act does not have licensure by
17 endorsement for reciprocity statutes, then, at the time of application, the
18 *military service member or nonresident military spouse:*

19 (A) Holds a current license in another state, district or territory of the
20 United States with licensure requirements that the licensing body
21 determines are equivalent to those established by the licensing body of this
22 state;

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

29 (C) has not been disciplined by a licensing or credentialing entity in
30 another jurisdiction and is not the subject of an unresolved complaint,
31 review procedure or disciplinary proceeding conducted by a licensing or
32 credentialing entity in another jurisdiction nor has surrendered their
33 membership on any professional staff in any professional association or
34 society or faculty for another state or licensing jurisdiction while under
35 investigation or to avoid adverse action for acts or conduct similar to acts
36 or conduct which would constitute grounds for disciplinary action in a
37 Kansas practice act;

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

39 (E) submits with the application a signed affidavit stating that the
40 application information, including necessary prior employment history, is
41 true and accurate. Upon receiving such affidavit, the licensing body shall
42 issue the license to the *military service member or the nonresident military*
43 *spouse on a probationary basis, but may revoke the license at any time if*

Insert: "submission of a completed"

Insert: ", reinstatement"

1 the information provided in the application is found to be false.

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

8 ~~(d)~~ (e) A nonresident military spouse licensed under this section shall
9 be entitled to the same rights and subject to the same obligations as are
10 provided by the licensing body for Kansas residents, except that revocation
11 or suspension of a nonresident military spouse's license in the nonresident
12 military spouse's state of residence or any jurisdiction in which the
13 nonresident military spouse held licensure shall automatically cause the
14 same revocation or suspension of such nonresident military spouse's
15 license in Kansas. No hearing shall be granted to a nonresident licensee
16 where the license is subject to such automatic revocation or suspension
17 except for the purpose of establishing the fact of revocation or suspension
18 of the nonresident military spouse's license by the nonresident military
19 spouse's state of residence.

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

23 (f) In the event the licensing body determines that the license
24 currently held by the military service member under subsection (c)(2)(A)
25 is not equivalent to those established by the licensing body of this state,
26 the licensing body may issue a temporary permit for a limited period of
27 time to allow the military service member to lawfully practice the person's
28 occupation while completing any specific requirements that are required
29 in this state for licensure that were not required in the state, district or
30 territory of the United States in which the military service member was
31 licensed or certified.

32 (g) This section shall not apply to the practice of law or the
33 regulation of attorneys pursuant to K.S.A.7-103, and amendments thereto.
34 Sec. 3. K.S.A. 2012 Supp. 48-3406 is hereby repealed.

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

Insert the following: "Any probationary license issued under
this section to a military service member or nonresident
military spouse shall not exceed three months."

insert the following: "issued"

insert the following: "(g) A licensing board may grant
certification, licensure or a temporary permit to any person
who meets the requirements under this section but was
separated from such military service under honorable
conditions (general) discharge.
(h) Each licensing body may adopt rules and regulations
necessary to implement and carry out the provisions of this
section.
(i)"