

House Substitute for SENATE BILL No. 112

By Committee on Veterans, Military and Homeland Security

3-23

1 AN ACT concerning military servicemembers and military spouses;
2 expedited professional credentialing; amending K.S.A. 2014 Supp. 48-
3 3406 and repealing the existing section.

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

6 Section 1. K.S.A. 2014 Supp. 48-3406 is hereby amended to read as
7 follows: 48-3406. (a) For the purposes of this section:

8 (1) "~~Licensing body~~" ~~has the meaning ascribed thereto in K.S.A. 74-~~
9 ~~146, and amendments thereto~~ *means an official, agency, board or other*
10 *entity of the state which authorizes individuals to practice a profession in*
11 *this state and issues a license, registration, certificate, permit or other*
12 *authorization to an individual so authorized;*

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

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

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

23 (b) Notwithstanding any other provision of law, any licensing body
24 shall:

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

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

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

1 (1) Pursuant to applicable licensure, *registration or certification* by
2 endorsement, reinstatement or reciprocity statutes of the licensing body of
3 this state for the profession license, *registration or certification within 60*
4 *days from the date a complete application was submitted*; or

5 (2) if the professional practice act does not have licensure,
6 *registration or certification* by endorsement, reinstatement or reciprocity
7 statutes, then, at the time of application, the military service-member or
8 nonresident military spouse:

9 (A) Holds a current license, *registration or certification* in another
10 state, district or territory of the United States with licensure, *registration*
11 *or certification* requirements that the licensing body determines are
12 equivalent to those established by the licensing body of this state;

13 (B) has not committed an act in any jurisdiction that would have
14 constituted grounds for the limitation, suspension or revocation or that the
15 applicant has never been censured or had other disciplinary action taken or
16 had an application for licensure, *registration or certification* denied or
17 refused to practice an occupation for which the military service-member or
18 nonresident military spouse seeks licensure, *registration or certification*;

19 (C) has not been disciplined by a licensing, *registering, certifying* or
20 *other* credentialing entity in another jurisdiction and is not the subject of
21 an unresolved complaint, review procedure or disciplinary proceeding
22 conducted by a licensing, *registering, certifying* or *other* credentialing
23 entity in another jurisdiction nor has surrendered their membership on any
24 professional staff in any professional association or society or faculty for
25 another state or ~~licensing~~ jurisdiction while under investigation or to avoid
26 adverse action for acts or conduct similar to acts or conduct which would
27 constitute grounds for disciplinary action in a Kansas practice act;

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

29 (E) submits with the application a signed affidavit stating that the
30 application information, including necessary prior employment history, is
31 true and accurate. Upon receiving such affidavit, the licensing body shall
32 issue the license, *registration or certification within 60 days from the date*
33 *a complete application was submitted*, to the military service-member or
34 nonresident military spouse on a probationary basis, but may revoke the
35 license, *registration or certification* at any time if the information provided
36 in the application is found to be false. Any probationary license issued
37 under this ~~section~~ subsection to a military service-member or nonresident
38 military spouse shall not exceed ~~three~~ six months.

39 (d) Any person who has not been in the active practice of the
40 occupation during the two years preceding the application for which the
41 applicant seeks a license, *registration or certification* may be required to
42 complete such additional testing, training, mentoring, monitoring or
43 education as the Kansas licensing body may deem necessary to establish

1 the applicant's present ability to practice with reasonable skill and safety.

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

17 (f) In the event the licensing body determines that the license,
18 *registration or certificate* currently held by the military service-member *or*
19 *nonresident military spouse* under subsection (c)(2)(A) is not equivalent to
20 those issued by the licensing body of this state, the licensing body may
21 issue a temporary permit for a limited period of time to allow the military
22 service-member *or nonresident military spouse* to lawfully practice the
23 ~~person's~~ *military servicemember's or nonresident military spouse's*
24 occupation while completing any specific requirements that are required in
25 this state for licensure, *registration or certification* that ~~were~~ *was* not
26 required in the state, district or territory of the United States in which the
27 military service-member *or nonresident military spouse* was licensed ~~or,~~
28 *registered, certified or otherwise credentialed.*

29 (g) A licensing ~~board~~ *body* may grant ~~certification,~~ licensure,
30 *registration, certification* or a temporary permit to any person who meets
31 the requirements under this section but was separated from such military
32 service *under less than honorable conditions or* with a general discharge
33 under honorable conditions.

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

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

38 Sec. 2. K.S.A. 2014 Supp. 48-3406 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.