

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **ENROLLED**

## **House Bill 2967**

BY DELEGATES COOPER, SMITH, HILLENBRAND, STEELE,

LONGANACRE, RIDENOUR, SHEEDY, BUTLER, HONAKER

AND CROUSE

[Passed March 11, 2023; in effect ninety days from passage.]



1 AN ACT to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West  
2 Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating  
3 to licensure to practice professions and occupations; stating findings; establishing  
4 standards for licensure of military-trained applicants; creating an exception for the  
5 practices of law, medicine, and osteopathic medicine; mandating boards act on  
6 applications from military-trained applicants not later than 15 days after receipt; providing  
7 for conditions for issuance of authorization to practice occupation or trade to military-  
8 trained applicants; prohibiting board from charging fee for initial authorization to practice;  
9 establishing standards for licensing spouses of current military members; creating an  
10 exception for the practices of law, medicine, and osteopathic medicine; mandating boards  
11 act on applications from spouses not later than 15 days after receipt; prohibiting boards  
12 from charging fee to spouse of military member for initial authorization to practice; and  
13 providing for temporary authorization to practice while application is pending.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND  
THEIR SPOUSES.**

**§30-1B-1. Legislative findings and declarations.**

1 The Legislature finds that:

2 (1) In recognition of the enormous sacrifices made by members of the Armed Forces of  
3 the United States of America and their families in voluntary service to this state and our nation,  
4 the citizens of West Virginia must endeavor to find new and innovative ways to improve the lives  
5 of military families and support their personal and professional growth;

6 (2) Many current and former members of the United States Armed Forces have acquired  
7 extensive academic, professional and occupational training and experience in various professions  
8 and occupations while serving in the Armed Forces, comparable to or exceeding that required in

9 this state to register for examination or qualify for licensure, certification, or registration for similar  
10 or related occupations and professions;

11 (3) Veterans of the armed forces and the spouses of current members who return or  
12 relocate to this state are frequently delayed in beginning employment as professionals because  
13 of issues with obtaining licenses, certifications or registrations upon arrival or return to West  
14 Virginia;

15 (4) Because of the training and experiences these individuals have and the challenges  
16 they may face when seeking licensure, certification, or registration, it is in the best interests of this  
17 state to ease these burdens and ensure the boards in this chapter use the relevant experiences  
18 of these men and women to ensure they are able to find employment as quickly as possible.

**§30-1B-2. Licensure for individuals with military training and experience.**

1 (a) Except as provided in subsection (c) of this section, and notwithstanding any other  
2 provision of this Code to the contrary, all boards referred to in this chapter shall issue a license,  
3 certification, or registration to a military-trained applicant to allow the applicant to lawfully practice  
4 the applicant's occupation in this state if, upon application to a board, the military-trained applicant  
5 satisfies the following conditions:

6 (1) Has been awarded a military occupational specialty and has done all of the following  
7 at a level that is substantially equivalent to or exceeds the requirements for licensure, certification,  
8 or registration of the board from which the applicant is seeking licensure, certification, or  
9 registration in this state:

10 (A) Completed a military program of training;

11 (B) Completed testing or equivalent training and experience; and

12 (C) Performed in the occupational specialty;

13 (2) Has engaged in the active practice of the occupation for which the person is seeking  
14 a license, certification, or permit from the board in this state for at least two of the five years  
15 preceding the date of the application under this section; and

16 (3) Has not committed any act in any jurisdiction that would have constituted grounds for  
17 refusal, suspension, or revocation of a license to practice that occupation in this state at the time  
18 the act was committed and has no pending complaints.

19 (b) No later than 15 days following receipt of an application from a military-trained  
20 applicant, the board shall either issue a license, certification, registration, or notify an applicant  
21 when the applicant's military training or experience does not satisfy the requirements for licensure,  
22 certification, or registration and specify the criteria or requirements that the board determined that  
23 the applicant failed to meet and the basis for that determination. If a military-trained applicant has  
24 a pending complaint under §30-1B-3(a)(3), the board shall notify the applicant no later than 15  
25 days following the board receiving written notice of the disposition of the pending complaint.

26 (c) A board shall issue a license, certification, or registration to a military-trained applicant  
27 to allow the applicant to lawfully practice the applicant's occupation in this state if the military-  
28 trained applicant, upon application to the board, satisfies the following conditions:

29 (1) Presents official, notarized documentation, such as a U.S. Department of Defense  
30 Form 214 (DD-214), or similar substantiation, attesting to the applicant's military occupational  
31 specialty certification and experience in an occupational field within the board's purview; and

32 (2) Passes a proficiency examination offered by the board to military-trained applicants in  
33 lieu of satisfying the conditions set forth in subsection (a) of this section; However, if an applicant  
34 fails the proficiency examination, then the applicant may be required by the board to satisfy those  
35 conditions.

36 (d) In any case where a proficiency examination is not offered routinely by a board, the  
37 board shall design a fair proficiency examination for military-trained applicants to obtain licensure,  
38 certification, or registration under this section. If a proficiency examination is offered routinely by  
39 a board, that examination shall satisfy the requirements of this section.

40 (e) All relevant experience of a military service member in the discharge of official duties  
41 shall be credited in the calculation of years of practice in an occupation as required under  
42 subsection (a) of this section.

43 (f) A nonresident licensed, certified, or registered under this section shall be entitled to the  
44 same rights and subject to the same obligations as required of a resident licensed, certified, or  
45 registered by all boards referred to in this chapter.

46 (g) Nothing in this section may be construed to apply to the practice of law under §30-2-1  
47 *et seq.* of this code, the practice of medicine under article § 30-3-1 *et. seq.* of this code, or the  
48 practice of osteopathic medicine under article § 30-14-1 *et seq.* of this code.

49 (h) Nothing in this section may be construed to prohibit a military-trained applicant from  
50 proceeding under the existing licensure, certification, or registration requirements established by  
51 a board referred to in this chapter.

52 (i) A board may not charge a military-trained applicant an initial application fee for a  
53 license, certification, registration, or temporary practice permit issued pursuant to this  
54 section: *Provided*, That nothing in this subsection may be construed to prohibit a board from  
55 charging its ordinary fee for a renewal application or prohibit a third party from charging actual  
56 costs for a service such as a background check.

**§30-1B-3. Licensure for military spouses.**

1 (a) Notwithstanding any other provision of this code to the contrary, all boards referred  
2 to in this chapter shall issue a license, certification, or registration to a military spouse to allow the  
3 spouse of an active duty military member who is a resident of this state who is assigned to state,  
4 or federal active duty in this state to lawfully practice the spouse's occupation in this state if, upon  
5 application to a board, the spouse satisfies the following conditions:

6 (1) Holds a current license, certification, or registration from another jurisdiction, and that  
7 jurisdiction's requirements for licensure, certification, or registration are substantially equivalent

8 to or exceed the requirements for licensure, certification, or registration of the board for which the  
9 applicant is seeking licensure, certification, or registration in this state;

10 (2) Can demonstrate competency in the occupation through methods as determined by  
11 the board, such as having completed continuing education units or having had recent experience  
12 for at least two of the five years preceding the date of the application under this section;

13 (3) Has not committed any act in any jurisdiction that would have constituted grounds for  
14 refusal, suspension, or revocation of a license to practice that occupation in this state at the time  
15 the act was committed; and

16 (4) Is in good standing; has not been disciplined by the agency that had jurisdiction to  
17 issue the license, certification, or permit; and has no pending complaints.

18 (b) No later than 15 days following receipt of an application from a spouse the board shall  
19 either issue a license, certification, registration, or notify an applicant when the applicant's training  
20 or experience does not satisfy the requirements for licensure, certification, or registration and  
21 specify the criteria or requirements that the board determined that the applicant failed to meet and  
22 the basis for that determination. If an applicant who is a military spouse has a pending complaint  
23 under §30-1B-(a)(4), the board shall notify the applicant no later than 15 days following the board  
24 receiving written notice of the disposition of the pending complaint.

25 (c) All relevant experience of a military spouse, including full-time and part-time  
26 experience, regardless of whether in a paid or volunteer capacity, shall be credited in the  
27 calculation of years of practice in an occupation as required under subsection (a) of this section.

28 (d) A nonresident licensed, certified, or registered under this section is entitled to the same  
29 rights and subject to the same obligations as required of a resident licensed, certified, or  
30 registered by all boards referred to in this chapter.

31 (e) Nothing in this section may be construed to apply to the practice of law under article  
32 §30-2-1 *et seq.* of this code, the practice of medicine under article § 30-3-1 *et. seq.* of this code,  
33 or the practice of osteopathic medicine under article § 30-14-1 *et seq.* of this code.

34 (f) Nothing in this section may be construed to prohibit a spouse from proceeding under  
35 the existing licensure, certification, or registration requirements established by a board referred  
36 to in this chapter.

37 (g) A board may not charge a military spouse an initial application fee for a license,  
38 certification, registration, or temporary practice permit issued pursuant to this section: *Provided*,  
39 That nothing in this subsection may be construed to prohibit a board from charging its ordinary  
40 fee for a renewal application or prohibit a third party from charging actual costs for a service such  
41 as a background check.

**§30-1B-4. Temporary licensure.**

1 All boards referred to in this chapter shall issue a temporary practice permit to a military-  
2 trained applicant or military spouse licensed, certified, or registered in another jurisdiction while  
3 the military-trained applicant or military spouse is satisfying the requirements for licensure under  
4 sections two and three of this section no later than 15 days following receipt of an application; if  
5 that jurisdiction has licensure, certification, or registration standards substantially equivalent to  
6 the standards for licensure, certification, or registration of a board in this state. The temporary  
7 practice permit shall be issued using the same information as provided by the applicant in the  
8 licensure application and remain valid for the later of one year or the required renewal date for  
9 the occupation the temporary practice permit was issued for or until a license, certification, or  
10 registration is granted by the board. A temporary practice permit may be denied or revoked for a  
11 pending complaint after notice is provided to the military-trained applicant or military spouse as  
12 set forth under §30-1B-2(a)(3), §30-1B-3(a)(3), or §30-1B-3(a)(4) of this article.

**§30-1B-5. Temporary licensure, certification or registration of spouses of persons on  
military active duty; waiver of certain license, certification or registration fees.**

1 [Repealed.]

**§30-1B-7. Data Collection.**

1 [Repealed.]



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

.....  
*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

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*Governor*