

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4037**

5 (By Delegates Iaquina, Longstreth, Fleischauer,
6 Jones, Stephens, Walker and Azinger)

7 [Passed March 1, 2012; in effect 90 days from passage.]

8
9 AN ACT to amend the Code of West Virginia, 1931, as amended, by
10 adding thereto two new sections, designated §30-1-6a and
11 §30-1-6b, all relating to the professional and occupational
12 licensure and registration of former and current members of
13 the armed forces of the United States; providing legislative
14 findings and declarations; requiring consideration and
15 appropriate acceptance of military education, training and
16 experience for qualification for professional licensure;
17 providing rule-making authority for licensing or registration
18 boards; providing exceptions; and requiring the extension of
19 licenses and the waiver of certain requirements for licenses
20 or registration of certain persons and accompanying spouses on
21 active duty in the armed forces of the United States.

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

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto two new sections, designated §30-1-6a and
25 §30-1-6b, all to read as follows:

26 **ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF**

1 **EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

2 **§30-1-6a. Legislative findings and declarations; consideration of**
3 **military education, training and experience for**
4 **licensure or registration, generally; rule of**
5 **construction.**

6 (a) The Legislature finds that:

7 (1) Many current and former members of the United States Armed
8 Forces have acquired extensive academic, professional and
9 occupational training and experience in various professions and
10 occupations while serving in the Armed Forces;

11 (2) In many instances, that level of academic education,
12 training and experience may be comparable to, or may exceed, what
13 is required in this state to register for examination, or qualify,
14 for licensure, certification or registration for a similar or
15 related occupation or profession.

16 (3) Armed forces service members often leave the military with
17 documented training, education and experience which may be
18 sufficient for application toward the requirements in this state to
19 register for examination, or qualify, for licensure, certification
20 or registration in a comparable profession or occupation.

21 (4) Armed forces members who are separating from service are
22 frequently delayed getting post-service employment even though they
23 have applicable military education, training and experience which
24 can qualify them for professional license, certifications or
25 registration.

1 (5) Military veterans have expended and sacrificed a
2 significant portion of their most productive earning potential and
3 working years to the service of their country; however, reported
4 unemployment rates of veterans are higher than national averages,
5 and accordingly, military veterans should be given the opportunity
6 to take advantage of their military education, experience and
7 training, as appropriate, toward pursuing a career in many of the
8 professions and occupations identified in this chapter.

9 (6) The state may be experiencing a shortage of qualified
10 candidates for licensure, certification or registration for these
11 various professions and occupations. Therefore, it is in the public
12 interest of this state to accommodate and attract persons with the
13 appropriate military education, training and experience, to apply
14 for licensure, certification or registration in a profession or
15 occupation in West Virginia.

16 (7) The boards in this chapter have the particular expertise
17 necessary to evaluate and determine what military education,
18 training and experience is adequate, acceptable and appropriate to
19 be applied toward the qualifications for licensure, certification
20 or registration and whether it is necessary that the competency of
21 those persons be determined and evaluated by examination before
22 they are so licensed, certified or registered.

23 (b) Except as provided in subsection (d) of this section, and
24 notwithstanding any law to the contrary, all boards referred to in
25 this chapter shall, upon presentation of satisfactory evidence by
26 an applicant for licensure, certification or registration, accept

1 education, training or experience of an individual as a member of
2 the Armed Forces or Reserves of the United States, the National
3 Guard of any state, or the military reserves of any state, as part
4 of the evaluation process toward the qualifications to receive, or
5 take examination for, that respective professional license,
6 certification, or registration.

7 (c) Boards referred to in this chapter may propose rules for
8 legislative approval in accordance with the provisions of article
9 three, chapter twenty-nine-a of this code as are necessary to
10 implement the provisions of this section. The proposed rules shall
11 establish criteria or requirements for military education, training
12 and experience that qualify the applicant to take an examination
13 for licensure, certification or registration or for a waiver of any
14 examination requirement to be licensed, certified or registered.

15 (d) The provisions of this section do not apply to the boards
16 referred to in this chapter whose license, certification or
17 registration requirements are subject to the provisions of article
18 twenty-four of this chapter.

19 (e) This section shall be liberally construed to effectuate
20 its purpose in the light of these findings and declarations.

21 **§30-1-6b. Licensure, certification or registration of persons and**
22 **spouses of persons on military active duty outside this**
23 **state; extension of licenses or registration; waiver of**
24 **certain license, certification or registration requirements.**

25 (a) During periods when the licensee, certificate holder or

1 registrant is on active duty as a member of the Armed Forces of the
2 United States, the National Guard of this state or any other state,
3 or any other military reserve component and deployed outside of
4 this state, and for six months after discharge from active duty,
5 the license, certification or registration of a person regulated by
6 a board in this chapter shall continue in good standing and shall
7 be renewed without payment of any dues or fees for the maintenance
8 or renewal of the license, certification or registration, and
9 without meeting continuing education requirements for the license,
10 certification or registration, when circumstances associated with
11 military duty prevent the individual from obtaining the required
12 continuing education.

13 (b) The licensee shall submit a waiver request to the
14 appropriate board, informing the board of circumstances which
15 include, but are not limited to, deployment outside of the United
16 States or in any combat area and verify that the individual
17 performs the licensed, certified or registered profession or
18 occupation as part of his or her military duties as annotated in
19 Defense Department Form 214 (DD214).

20 (c) During periods when the licensee, certificate holder or
21 registrant is accompanying his or her spouse who is on active duty
22 as a member of the Armed Forces of the United States, the National
23 Guard of this state or any other state or any other military
24 reserve component and deployed outside of this state, and for six
25 months after discharge from active duty, the license, certification
26 or registration of that person regulated by a board referred to in

1 this chapter, shall continue in good standing and shall be renewed
2 without payment of any dues or fees for the maintenance or renewal
3 of the license, certification or registration, and without meeting
4 continuing education requirements for the license certification or
5 registration when circumstances associated with accompanying a
6 spouse on military duty prevent the individual from obtaining the
7 required continuing education.

8 (d) The licensee shall submit a waiver request to the
9 appropriate board informing the board of these circumstances which
10 include, but are not limited to, deployment outside of the United
11 States or in any combat area.