

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4037**

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

6 (Originating in the Committee on the Judiciary

7  
8 [February 21, 2012]

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

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

24 That the Code of West Virginia, 1931, as amended, be amended  
25 by adding thereto two new sections, designated §30-1-6a and  
26 §30-1-6b, all to read as follows:

1 **ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF**  
2 **EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

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

7 (a) The Legislature finds that:

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

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

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

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

1 registration.

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

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

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

24 (b) Except as provided in subsection (d) of this section, and  
25 notwithstanding any law to the contrary, all boards referred to in  
26 this chapter shall, upon presentation of satisfactory evidence by

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

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

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

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

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

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

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

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

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

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