

As Amended by House Committee

HOUSE BILL No. 2077

By Committee on Veterans, Military and Homeland Security

1-23

Proposed Ballroom Amendment for HB2077
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Office of Revisor of Statutes
March 11, 2013

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

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

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

7 (1) "Applicant" means a person who entered into military service and
8 separated from such military service ~~under conditions other than~~
9 ~~dishonorable with an honorable discharge;~~

or a general discharge under honorable conditions

10 (2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-
11 146, and amendments thereto; and

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

15 (b) ~~(4)~~ Notwithstanding any other provision of law, upon presentation
16 of satisfactory evidence a ~~completed~~ application by an applicant for
17 certification or licensure, a licensing body shall accept education, training
18 or service completed in military service by the applicant towards the
19 qualifications to receive the license or certification unless such licensing
20 body determines that such education, training or service is not
21 substantially equivalent to the standards required for certification or
22 licensure in this state any educational requirements for certification or
23 licensure in this state if the applicant demonstrates to the satisfaction
24 of the licensing body that such education, training or service obtained
25 is substantially equivalent to the existing educational requirements of
26 such licensure or certification. No education, training or service shall
27 count towards any examination requirements unless such licensing
28 body has provided a waiver for such requirement. The licensing body
29 may require the applicant to provide documentation of such
30 education, training or service as deemed necessary by the licensing
31 body to determine substantial equivalency.

complete

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

strike

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

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

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

7 (1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-
8 146, and amendments thereto;

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

12 (3) "military service member" means a member who entered into
13 military service and separated from such military service under conditions
14 other than dishonorable with an honorable discharge, and

15 (4) "military spouse" means the spouse of an individual who is
16 currently in active service in any branch of the armed forces of the United
17 States.

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

20 (1) Upon submission of a complete application, issue a license to a
21 nonresident military spouse, so that the nonresident military spouse may
22 lawfully practice the person's occupation; and

23 (2) upon ~~filing of an~~ submission of a complete application within
24 six months following release from military service, issue a license to a
25 military service member so that the military service member may lawfully
26 practice the person's occupation.

27 (b) (c) A military service member or nonresident military spouse shall
28 receive a license under subsection (a)(b) of this section:

29 (1) Pursuant to applicable licensure by endorsement, reinstatement
30 or reciprocity statutes of the licensing body of this state for the profession
31 license; or

32 (2) if the professional practice act does not have licensure by
33 endorsement, reinstatement or reciprocity statutes, then, at the time of
34 application, the military service member or nonresident military spouse:

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

39 (B) has not committed an act in any jurisdiction that would have
40 constituted grounds for the limitation, suspension or revocation or that the
41 applicant has never been censured or had other disciplinary action taken or
42 had an application for licensure denied or refused to practice an occupation
43 for which the military service member or nonresident military spouse

complete
or a general discharge under honorable conditions

1 seeks licensure;

2 (C) has not been disciplined by a licensing or credentialing entity in
3 another jurisdiction and is not the subject of an unresolved complaint,
4 review procedure or disciplinary proceeding conducted by a licensing or
5 credentialing entity in another jurisdiction nor has surrendered their
6 membership on any professional staff in any professional association or
7 society or faculty for another state or licensing jurisdiction while under
8 investigation or to avoid adverse action for acts or conduct similar to acts
9 or conduct which would constitute grounds for disciplinary action in a
10 Kansas practice act;

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

12 (E) submits with the application a signed affidavit stating that the
13 application information, including necessary prior employment history, is
14 true and accurate. Upon receiving such affidavit, the licensing body shall
15 issue the license to the *military service member or the nonresident military*
16 spouse on a probationary basis, but may revoke the license at any time if
17 the information provided in the application is found to be false. Any
18 **probationary license issued under this section to a military service**
19 **member or nonresident military spouse shall not exceed three months.**

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

26 ~~(e)~~ (e) A nonresident military spouse licensed under this section shall
27 be entitled to the same rights and subject to the same obligations as are
28 provided by the licensing body for Kansas residents, except that revocation
29 or suspension of a nonresident military spouse's license in the nonresident
30 military spouse's state of residence or any jurisdiction in which the
31 nonresident military spouse held licensure shall automatically cause the
32 same revocation or suspension of such nonresident military spouse's
33 license in Kansas. No hearing shall be granted to a nonresident licensee
34 where the license is subject to such automatic revocation or suspension
35 except for the purpose of establishing the fact of revocation or suspension
36 of the nonresident military spouse's license by the nonresident military
37 spouse's state of residence.

38 ~~(f)~~ For the purposes of this section, "military spouse" means the
39 spouse of an individual who is currently in active service in any branch of
40 the armed forces of the United States.

41 (f) In the event the licensing body determines that the license
42 currently held by the military service member under subsection (c)(2)(A)
43 is not equivalent to those established issued by the licensing body of this

1 state, the licensing body may issue a temporary permit for a limited period
2 of time to allow the military service member to lawfully practice the
3 person's occupation while completing any specific requirements that are
4 required in this state for licensure that were not required in the state,
5 district or territory of the United States in which the military service
6 member was licensed or certified.

7 (g) A licensing board may grant certification, licensure or a
8 temporary permit to any person who meets the requirements under
9 this section ~~but was separated from such military service under~~ strike
10 ~~honorable conditions (general) discharge.~~

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

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

15 Sec. 3. K.S.A. 2012 Supp. 48-3406 is hereby repealed.

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