~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 30, 2019

**S. 455**

Introduced by Senators Alexander, Climer and Davis

S. Printed 4/30/19--H.

Read the first time March 7, 2019.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 455) to amend Section 40-1-630(a) of the 1976 Code, relating to temporary professional licenses, to provide that a board or commission shall issue a temporary, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. This act must be known and may be cited as the “Armed Service Members and Spouses Professional and Occupational Licensing Act”.

SECTION 2. Article 1, Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑170. (A) Except as provided in subsection (G), and notwithstanding other provisions of law, this section applies to a board, agency, commission, or other entity providing professional licenses or certificates, or both, for the purpose of employment in the State of South Carolina. A board, commission, or agency providing professional licenses or certificates, or both, may promulgate rules in conformity with this section for the purpose of implementing its requirements.

(B) Except as provided in subsection (G), and notwithstanding another provision of law, this section applies to individuals who:

(1) are married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) have not committed or participated in an act that would constitute grounds for refusal, suspension, or revocation of a professional license or certificate;

(3) have not been disciplined by an authorized entity or are under investigation, in any jurisdiction, in relation to a professional license or certificate; and

(4) pay any required fee and submit to any required criminal or other background check by an authorized board, commission, or agency in this State.

(C) An eligible individual under subsection (B) who possesses a valid professional or occupational license or certificate in another state, district, or territory of the United States with licensing or certification requirements greater than or substantially similar to the licensing or certification requirements of the appropriate board, commission, or agency in this State must be approved to continue work in that profession or occupation upon relocation to this State for such time as normally allotted with receipt of a license or certificate from the appropriate board, commission, or agency.

(D) Upon completion of an application that documents compliance with the receiving agency’s requirements for a certificate or license, an authorized board, commission, or agency shall process the application and issue a license within fifteen business days after receipt of the application.

(E) In addition to general personal information about the applicant, and other documentation satisfying the receiving agency’s requirements for a certificate or license, the application must include proof that he:

(1) is married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) possesses a valid license or certificate in another state, district, or territory of the United States; and

(3) holds the license in subsection (B) in ‘good standing’ as evidenced by a certificate of good standing from the state, district, or territory of the United States that issued the license.

(F) A board, commission, or agency in this State may establish reciprocity with other states for military spouse professional licensing and certification.

(G) This section does not apply to:

(1) the practice of law or the regulation of attorneys; and

(2) educators.

(H) A license or certificate issued pursuant to this section is valid for the same period of time as a license or certificate issued pursuant to the requirements of the applicable title for the particular profession or occupation.

(I) Nothing in this section prevents a board, commission, or agency from revoking, penalizing, or suspending a license pursuant to the appropriate code sections regulating the particular profession.”

SECTION 3. Section 40‑1‑640(A) of the 1976 Code is amended to read:

“(A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 4. Section 40‑1‑630 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the Senate on March 5, 2019**

**State Expenditure**

This bill requires licensing agencies to issue a temporary professional license to a spouse of an active duty member of the United States Armed Forces who is assigned to a duty station in this state. In addition, this bill requires licensing agencies to apply education, training, and experience completed by a member of the Armed Forces or Reserves of the United States toward satisfying the qualifications of licensure or certification. This stipulation applies to members of reserve forces of any state.

This bill applies to professional and occupation licenses and certifications issued pursuant to Title 40, which are regulated by LLR. This bill codifies current regulatory practices. Therefore, this bill will have no expenditure impact on LLR or its regulatory boards.

LLR has been tracking military spouse requests since October 2018. Since then, the agency has had twenty-four military spouse inquiries. Of this total, thirteen people inquired but did not apply for a license, three temporary professional licenses were issued, six permanent professional licenses were issued, and two permanent license applications are currently in process.

This fiscal impact statement has been updated based on a response from LLR.

**State Revenue**

LLR is currently implementing the requirements of this bill. Therefore, this bill will have no revenue impact on the regulatory boards administered by LLR.

This fiscal impact statement has been updated based on a response from LLR.

**Introduced on January 29, 2019**

**State Expenditure**

This bill requires licensing agencies to issue a temporary professional license to a spouse of an active duty member of the United States Armed Forces who is assigned to a duty station in this state. In addition, this bill requires licensing agencies to apply education, training, and experience completed by a member of the Armed Forces or Reserves of the United States toward satisfying the qualifications of licensure or certification. This stipulation applies to members of reserve forces of any state.

Currently, licensing agencies are allowed, but not required, to consider both of these provisions when reviewing a candidate for licensure. This bill applies to professional and occupation licenses and certifications issued pursuant to Title 40, which are regulated by LLR. The expenditure impact of this bill is pending, contingent upon a response from LLR.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-1-630(A) of the 1976 Code is amended to read:

“Section 40-1-630. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 2. Section 40-1-640(A) of the 1976 Code is amended to read:

“Section 40-1-640. (A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 3. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 4. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

SECTION 5. This act takes effect upon approval by the Governor.

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