

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 356 Session of 2019

INTRODUCED BY BOSCOLA, COSTA, FONTANA, ARGALL, BREWSTER, COLLETT, HAYWOOD, TARTAGLIONE, AUMENT, BAKER, GORDNER, HUTCHINSON, MARTIN, SCAVELLO, J. WARD AND K. WARD, MARCH 25, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 4, 2019

AN ACT

1 Providing for portability of professional and occupational
2 licenses for military spouses.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Military
7 Spouse License Portability Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Licensing board OR COMMISSION." A professional or <--
13 occupational licensing board or commission of this Commonwealth,
14 including:

15 (1) Navigation Commission for the Delaware River and its
16 Navigable Tributaries.

- 1 (2) State Architects Licensure Board.
- 2 (3) State Board of Accountancy.
- 3 (4) State Board of Auctioneer Examiners.
- 4 (5) State Board of Barber Examiners.
- 5 (6) State Board of Certified Real Estate Appraisers.
- 6 (7) State Board of Chiropractic.
- 7 (8) State Board of Cosmetology.
- 8 (9) State Board of Crane Operators.
- 9 (10) State Board of Dentistry.
- 10 (11) State Board of Examiners of Nursing Home
- 11 Administrators.
- 12 (12) State Board of Funeral Directors.
- 13 (13) State Board of Landscape Architects.
- 14 (14) State Board of Massage Therapy.
- 15 (15) State Board of Medicine.
- 16 (16) State Board of Nursing.
- 17 (17) State Board of Occupational Therapy Education and
- 18 Licensure.
- 19 (18) State Board of Optometry.
- 20 (19) State Board of Osteopathic Medicine.
- 21 (20) State Board of Pharmacy.
- 22 (21) State Board of Physical Therapy.
- 23 (22) State Board of Podiatry.
- 24 (23) State Board of Psychology.
- 25 (24) State Board of Social Workers, Marriage and Family
- 26 Therapists and Professional Counselors.
- 27 (25) State Board of Examiners in Speech-Language
- 28 Pathology and Audiology.
- 29 (26) State Board of Vehicle Manufacturers, Dealers and
- 30 Salespersons.

1 (27) State Board of Veterinary Medicine.

2 (28) State Real Estate Commission.

3 (29) State Registration Board for Professional
4 Engineers, Land Surveyors and Geologists.

5 "Military spouse." A person who is married to a member of
6 the armed forces of the United States or a reserve component of
7 the armed forces of the United States under the laws of the
8 jurisdiction where the marriage took place.

9 Section 3. Requirements for license.

10 (a) General rule.--Notwithstanding any other law, a
11 licensing board OR COMMISSION shall issue a license, <--
12 CERTIFICATE, REGISTRATION OR PERMIT to a military spouse to
13 allow the military spouse to practice the military spouse's
14 profession or occupation in this Commonwealth if, upon
15 application to the licensing board OR COMMISSION, the military <--
16 spouse satisfies all of the following conditions:

17 (1) Holds a current license, certificate, registration
18 or permit from another state, and that state's requirements
19 are substantially equivalent to or exceed the requirements
20 for a license in this Commonwealth.

21 (2) Demonstrates competency in the profession or
22 occupation through methods determined by the licensing board
23 OR COMMISSION, including having completed continuing <--
24 education ~~units~~ or having experience in the profession or <--
25 occupation for at least two of the five years preceding the
26 date of the application under this act.

27 (3) Has not committed any act in any state that ~~would~~ <--
28 ~~have constituted~~ CONSTITUTES grounds for refusal, suspension <--
29 or revocation of a license, CERTIFICATE, REGISTRATION OR <--
30 PERMIT to practice that profession or occupation in this

1 Commonwealth ~~at the time the act was committed.~~ UNLESS THE <--
2 LICENSING BOARD OR COMMISSION DETERMINES, IN ITS DISCRETION,
3 THAT THE ACT SHOULD NOT BE AN IMPEDIMENT TO GRANTING OF A
4 LICENSE, CERTIFICATE, REGISTRATION OR PERMIT TO PRACTICE IN
5 THIS COMMONWEALTH.

6 (4) Is in good standing and has not been disciplined by
7 the jurisdiction that issued the license, CERTIFICATE, <--
8 REGISTRATION OR PERMIT.

9 (5) Pays any fees required by the licensing board ~~from~~ <--
10 ~~which the applicant is seeking a license~~ OR COMMISSION <--
11 IMPOSED BY REGULATION.

12 (b) Rights and obligations.--A military spouse who is not a
13 resident of this Commonwealth and who is issued a license, <--
14 CERTIFICATE, REGISTRATION OR PERMIT under this act shall have
15 the same rights and obligations as a resident of this
16 Commonwealth who is issued the same type of license, <--
17 CERTIFICATE, REGISTRATION OR PERMIT.

18 Section 4. Provisional license.

19 (a) General rule.--Notwithstanding any other law, a
20 licensing board OR COMMISSION may issue a provisional license, <--
21 CERTIFICATE, REGISTRATION OR PERMIT to a military spouse who is
22 licensed, certified, registered or issued a permit in another
23 state while the military spouse is satisfying certain
24 requirements, as determined by the licensing board OR <--
25 COMMISSION, for a license, CERTIFICATE, REGISTRATION OR PERMIT <--
26 in this Commonwealth under section 3.

27 (b) Limited period.--A military spouse may practice under a
28 provisional license issued under subsection (a) until any of the
29 following occurs:

30 (1) A license, CERTIFICATE, REGISTRATION OR PERMIT is <--

1 granted or denied by the licensing board OR COMMISSION under <--
2 section 3.

3 (2) The provisional license expires.

4 (3) The holder of a provisional license fails to comply
5 with its terms.

6 Section 5. Alternative procedure for licensure.

7 This act may not prohibit a military spouse from proceeding
8 under other licensure, CERTIFICATE, REGISTRATION OR PERMIT <--
9 requirements established by a licensing board- OR COMMISSION. <--

10 NOTHING IN THIS ACT IS INTENDED TO SUPERSEDE OR REPLACE EXISTING
11 STATUTORY PROVISIONS RELATING TO LICENSURE BY ENDORSEMENT OR
12 LICENSURE BY RECIPROCITY APPLICABLE TO LICENSING BOARDS AND
13 COMMISSIONS THROUGH THEIR RESPECTIVE ENABLING STATUTES.

14 Section 6. Rules and regulations.

15 ~~A licensing board may adopt rules or regulations necessary to~~ <--
16 ~~implement this act.~~ FINAL REGULATIONS SHALL BE PROMULGATED BY <--
17 EACH LICENSING BOARD OR COMMISSION WITHIN 18 MONTHS OF THE
18 EFFECTIVE DATE OF THIS ACT.

19 Section 7. Effective date.

20 This act shall take effect in 60 days.