

COMMENT #2

Fowler, Carole

**From:** Whiteley, Anne  
**Sent:** Tuesday, May 20, 2014 2:15 PM  
**To:** Chapman, Matt; McDonald, Elizabeth; Welts, Leslie; Gonda, Jordan  
**Cc:** Fowler, Carole; Pingree, Rodney; Christianson, Ernest; Thompson, Christine; Desch, George; Stacy, Cathy; Montross, Ben; Hackbarth, Julie  
**Subject:** H.681 - Overarching requirements for professional licensing programs

This bill applies to all of the DEC Licensing programs.  
I'm dealing with it in the context of drafting rule amendments, but since it is statute it applies despite what the rules say.  
The requirements take effect upon passage (when the governor signs the bill) so heads up.

<http://www.leg.state.vt.us/docs/2014/bills/Passed/H-681.pdf>

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**Act No. 177 (H.681). Professions and occupations; veterans and military service members; licensure; emergency medical services**

**An act relating to the professional regulation for veterans, military service members, and military spouses**

This act requires most professional regulatory entities in the State to grant to certain veterans, military service members, and military spouses an expedited temporary license by endorsement to practice an occupation or profession for a limited period of time pending permanent licensure based on the applicant's licensure in another State or, in the case of EMS providers, based on national certification.

The act also requires those professional regulatory entities to give to those veterans or service members credit for their relevant military experience, training, and education when considering their qualifications for licensure. In regard to renewal of licensure, the act provides that those veterans and service members are not required to pay a penalty for a late licensure renewal if the late renewal is a direct result of military deployment. The act also allows them to be eligible for renewal despite not meeting competency requirements due to being deployed, with the regulatory entities providing a reasonable amount of time to complete those requirements after renewal. Special provisions for renewal apply to EMS providers.

Finally, the act allows a qualified veteran or service member to return from deployment to his or her same emergency medical provider position at the same rate of compensation once licensure is renewed, so long as all other requirements for employment are met.

Multiple effective dates, beginning on June 9, 2014

1 H.681  
2 Introduced by Representatives Canfield of Fair Haven, Batchelor of Derby,  
3 Beyor of Highgate, Bissonnette of Winooski, Branagan of  
4 Georgia, Browning of Arlington, Burditt of West Rutland,  
5 Buxton of Tunbridge, Christie of Hartford, Condon of  
6 Colchester, Cupoli of Rutland City, Davis of Washington,  
7 Devereux of Mount Holly, Evans of Essex, Fagan of Rutland  
8 City, Gage of Rutland City, Goodwin of Weston, Grad of  
9 Moretown, Hebert of Vernon, Helm of Fair Haven, Hubert of  
10 Milton, Jerman of Essex, Johnson of Canaan, Juskiewicz of  
11 Cambridge, Klein of East Montpelier, Koch of Barre Town,  
12 Lawrence of Lyndon, Lewis of Berlin, Malcolm of Pawlet,  
13 McCormack of Burlington, Mitchell of Fairfax, Moran of  
14 Wardsboro, Morrissey of Bennington, Myers of Essex, Pearce  
15 of Richford, Pearson of Burlington, Potter of Clarendon,  
16 Quimby of Concord, Russell of Rutland City, Savage of  
17 Swanton, Shaw of Pittsford, Shaw of Derby, Stevens of  
18 Shoreham, Strong of Albany, Terenzini of Rutland Town, Till  
19 of Jericho, Trieber of Rockingham, Turner of Milton, Van  
20 Wyck of Ferrisburgh, and Winters of Williamstown

1 Referred to Committee on  
2 Date:  
3 Subject: Professions and occupations; military service; military credit  
4 Statement of purpose of bill as introduced: This bill proposes to require  
5 professional regulatory entities to grant to veterans, military service members,  
6 and military spouses, as applicable, credit for military service in obtaining  
7 professional licensure or license renewal and expedited processing of  
8 applications for licensure, and to provide retirement credit to certain members  
9 of the military who served in the Persian Gulf War as that term is defined  
10 pursuant to 38 U.S.C. § 101.

11 An act relating to the professional regulation for veterans, military service  
12 members, and military spouses ~~and to credit for military service in~~  
13 ~~retirement~~

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 \* \* \* General Requirements for Professional Regulation Entities \* \* \*

16 Sec. 1. PROFESSIONAL REGULATORY ENTITIES; MILITARY  
17 SERVICE LICENSURE REQUIREMENTS

18 (a) As used in this section:

(1) "Expedited temporary license by endorsement" means a license to  
practice an occupation or profession for a limited period of time pending  
permanent licensure based on a license applicant's licensure in another state

*or, in the case of EMS providers, based on current certification from the  
National Registry of Emergency Medical Technicians (NREMT).*

1           (2) "License" means any grant of authority to an individual to practice  
2           an occupation or profession and includes a license, certification, or registration,  
3           as those terms are defined in 26 V.S.A. § 3101a.

4           (3) "Military spouse" means:

5                   (A) the spouse of a service member;

6                   (B) the surviving spouse of a service member who died within two  
7           years before the spouse's application described under subdivision (b)(2) of this  
8           section; or

9                   (C) the spouse or surviving spouse of a former service member who  
10           was honorably discharged or generally discharged under honorable conditions  
11           within two years before of the spouse's application described under  
12           subdivision (b)(2) of this section.

13           (4) "Professional regulatory entity" means any State agency,  
14           department, office, or subdivision thereof that licenses or otherwise regulates  
15           individuals to practice a profession or occupation in this State and includes:

16                   (A) the Office of Professional Regulation;

17                   (B) the Department of Health, including:

18                           (i) the Board of Medical Practice; and

19                           (ii) the Emergency Medical Services Division;

- 1 ~~(C) the Agency of Education;~~  
2 ~~(D) the Vermont Criminal Justice Training Council;~~  
3 ~~(E) the Vermont Fire Service Training Council;~~  
4 ~~(F) the Department of Financial Regulation;~~  
5 ~~(G) the Department of Public Safety;~~  
6 ~~(H) the Board of Bar Examiners; and~~  
7 ~~(I) the Department of Environmental Conservation.~~

(4)(A) "Professional regulatory entity" means any State agency, department, office, or subdivision thereof that licenses or otherwise regulates individuals to practice a profession or occupation in this State and includes:

(i) the Office of Professional Regulation;

(ii) the Department of Health, including the Emergency Medical

Services Division;

(iii) the Agency of Education;

(iv) the Vermont Criminal Justice Training Council;

(v) the Vermont Fire Service Training Council;

(vi) the Department of Public Safety; and

(vii) the Department of Environmental Conservation.

(B) "Professional regulatory entity" shall not include the Board of Medical Practice, the Board of Bar Examiners, or the Department of Financial Regulation.

(5) “Service member” means an individual who is an active duty member of:

- 1           (A) the U.S. Armed Forces;  
2           (B) a reserve component of the U.S. Armed Forces  
3           (C) the U.S. Coast Guard; or  
4           (D) the national guard of any state.

5           (6)(A) “Veteran” means a former service member who received an  
6           honorable discharge or a general discharge under honorable conditions from  
7           active duty within two years before the date on which the veteran submitted an  
8           application for licensure.

9           (B) “Veteran” does not include an individual who has completed  
10          active duty and has been discharged for more than two years before the veteran  
11          submitted an application for licensure.

(b) By ~~February 1, 2015~~ July 1, 2015, each professional regulatory entity  
shall adopt new or amend existing rules, procedures, or practices, as those  
terms are defined in 3 V.S.A. § 801, in order to conform to the following  
requirements:

12          (1) Qualifications for licensure.

13               (A) In calculating a veteran’s or service member’s years of practice  
14          in an occupation or profession, each professional regulatory entity shall give

1 credit to the veteran or service member for all relevant experience as a service  
2 member.

3 (B) In calculating a veteran's or service member's training and  
4 education in an occupation or profession, each professional regulatory entity  
5 shall give credit to the veteran or service member for any training and  
6 education completed by him or her and provided by the military if the training  
7 or education is determined by the professional regulatory entity to be:

8 (i) at least substantially equivalent to the training or education  
9 required by the professional regulatory entity; and

10 (ii) not otherwise contrary to any other licensing requirement.

11 (2) Expedited temporary licensure by endorsement.

12 (A) Each professional regulatory entity shall issue an expedited  
13 temporary license by endorsement to a veteran, service member, or military  
14 spouse who meets the requirements of this subdivision (2). The expedited  
15 temporary license by endorsement shall be issued within 60 days of an  
16 application therefor.

17 (B) Each application for an expedited temporary license by  
18 endorsement shall include the following, in a form and manner to be  
19 determined by the professional regulatory entity:

20 (i) proof that the applicant is a veteran, service member, or  
21 military spouse;

(ii) proof that the applicant holds a valid license in good standing issued in another state or, in the case of EMS providers, proof that the applicant holds a current certification from the NREMT;

1           (iii) if the applicant is a service member or veteran, proof that the  
2           applicant is assigned to a duty station in this State or has established legal  
3           residence in this State;

4           (iv) if the applicant is a military spouse, proof that the applicant's  
5           spouse is assigned to a duty station in this State or has established legal  
6           residence in this State;

7           (v) except as provided in subdivision (D) of this subdivision (2) as  
8           determined by the professional regulatory entity, if a criminal background  
9           check is required by the professional regulatory entity for licensure, proof of  
10          the application for a criminal background check;

11          (vi) proof that the applicant has submitted the full application for  
12          licensure; and

13          (vii) payment of any application fee required by the professional  
14          regulatory entity.

15          (C) Before issuing an expedited temporary license by endorsement  
16          under this subdivision (2), the professional regulatory entity shall determine  
17          that the requirements for licensure in the other state are substantially equivalent  
18          to or exceed the requirements for licensure in this State.

1           (D) A professional regulatory entity shall not issue an expedited  
2           temporary license by endorsement under this subdivision (2) if the issuance of  
3           the license would pose a risk to the public health, safety, or welfare.

4           (E)(i) An expedited temporary license by endorsement issued under  
5           this subdivision (2) shall be valid until the earlier of:

6                     (I) six months after the date of issuance; or

7                     (II) the date on which a license is granted or a notice to deny a  
8           license is issued by the professional regulatory entity.

9           (ii) The professional regulatory entity shall ensure that the  
10           applicant's application for permanent licensure is processed prior to the  
11           expiration of the expedited temporary license by endorsement.

12           (F) Each professional regulatory entity shall prominently display on  
13           its website, if any, the process for obtaining an expedited temporary license by  
14           endorsement and for obtaining a permanent license.

15           (3) Renewal of licensure.

16           (A) A veteran or service member shall not be required to pay any  
17           penalty for a late license renewal if the late renewal is a direct result of military  
18           deployment.

19           (B) A veteran or service member shall be eligible for renewal despite  
20           not meeting training, educational, experiential, or similar competency  
21           requirements for renewal due to being deployed during the last renewal cycle

1 and shall be permitted to complete any such competency requirements for  
2 renewal within a reasonable time to be determined by the professional  
3 regulatory entity after the renewal of his or her license.

*(i) The provisions of this subdivision (B) shall apply to an EMS licensee with a military deployment of less than two years, or greater than two years if the position served in the military was as an EMS provider or a substantially similar role.*

*(ii) For an EMS licensee with a military deployment of greater than two years and whose position served in the military was not as an EMS provider or a substantially similar role, the licensee shall be required to obtain certification with the NREMT prior to renewal of a license under this subdivision.*

\* \* \* Specific EMS Requirements \* \* \*

4 Sec. 2. 18 V.S.A. § 906c is added to read:

5 § 906c. VETERANS AND SERVICE MEMBERS RETURNING FROM  
6 DEPLOYMENT; PRIOR POSITIONS

7 (a) As used in this section:

8 (1) "Service member" means an individual who is an active duty  
9 member of:

10 (A) the U.S. Armed Forces;

11 (B) a reserve component of the U.S. Armed Forces



1 ~~full year of full-time service in the military or one full year of full-time service~~  
2 as a member of the Cadet Nurse Corps in World War II, the Peace Corps, or  
3 VISTA for which the member has derived no military pension benefits, may  
4 elect to have included in the member's creditable service all or any part of the  
5 member's military, Cadet Nurse Corps, Peace Corps, or VISTA service not  
6 exceeding five years. Any member who so elects shall deposit in the ~~fund~~  
7 Fund by a single contribution the amount or amounts determined by the  
8 ~~system's~~ System's actuary to be cost neutral to the ~~system~~ System.

9 (2) Notwithstanding the provisions of this subsection, any member shall,  
10 upon application, be granted up to three years of credit for military service  
11 during the periods June 25, 1950; through January 31, 1955; February 28,  
12 1961; through August 4, 1964; if service was performed in what is now the  
13 Republic of Vietnam; ~~and;~~ August 5, 1964; through May 7, 1975; ~~and the~~  
14 Persian Gulf War, as that term is defined pursuant to 38 U.S.C. § 101, if the  
15 member was issued a theater service medal or expeditionary medal for service  
16 during that War and shall not be required to make a contribution, provided the  
17 member has rendered 15 years of creditable service and, prior to becoming a  
18 member, served a minimum of one full year of full-time service in the military  
19 for which he or she has derived no military pension benefits.

20 (3) The provisions of this subsection shall also be available to ~~state~~ State  
21 ~~employees who are not members of the classified system~~ Classified System

1 ~~and who elect to participate in the defined contribution retirement plan Defined~~  
2 ~~Contribution Retirement Plan under chapter 16A of this title.~~

3 ~~(4) Notwithstanding the foregoing provisions of this subsection, in the~~  
4 ~~event of a conflict between the provisions of this subsection and the provisions~~  
5 ~~of 10 U.S.C. § 12736 concerning the counting of the same full-time military~~  
6 ~~service toward both military and state State pensions, the provisions of the~~  
7 ~~United States Code shall control.~~

8 ~~\*\*\*~~

9 \*\*\* Effective Dates \*\*\*

10 Sec. 4. EFFECTIVE DATES

- 11 (a) This section and Sec. 1 shall take effect on passage.  
(b) ~~Secs. 2 and 3~~ Sec. 2 shall take effect on July 1, 2014.