

H.681

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

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

* * * General Requirements for Professional Regulation Entities * * *

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

(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).

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

(3) "Military spouse" means:

(A) the spouse of a service member;

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

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

(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:

(A) the U.S. Armed Forces;

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

(C) the U.S. Coast Guard; or

(D) the national guard of any state.

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

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

(b) By 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:

(1) Qualifications for licensure.

(A) In calculating a veteran’s or service member’s years of practice in an occupation or profession, each professional regulatory entity shall give credit to the veteran or service member for all relevant experience as a service member.

(B) In calculating a veteran’s or service member’s training and education in an occupation or profession, each professional regulatory entity shall give credit to the veteran or service member for any training and

education completed by him or her and provided by the military if the training or education is determined by the professional regulatory entity to be:

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

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

(2) Expedited temporary licensure by endorsement.

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

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

(i) proof that the applicant is a veteran, service member, or 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;

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

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

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

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

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

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

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

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

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

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

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

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

(3) Renewal of licensure.

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

(B) A veteran or service member shall be eligible for renewal despite not meeting training, educational, experiential, or similar competency requirements for renewal due to being deployed during the last renewal cycle and shall be permitted to complete any such competency requirements for renewal within a reasonable time to be determined by the professional 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 * * *

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

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

(a) As used in this section:

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

(A) the U.S. Armed Forces;

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

(C) the U.S. Coast Guard; or

(D) the national guard of any state.

(2) "Veteran" means a former service member who received an honorable discharge or a general discharge under honorable conditions from active duty.

(b)(1) A veteran or service member who held a position as an emergency medical provider prior to his or her most recent military deployment but whose license or certification lapsed as a direct result of that deployment shall be permitted to return to that same position at the same rate of compensation upon his or her return from deployment once licensure is renewed, so long as all other requirements for employment are met.

(2) The provisions of subdivision (1) of this subsection shall apply to such a veteran or service member until the expiration of six months after his or her return from deployment or the renewal cycle during which he or she returns from deployment, whichever is later.

Sec. 3. [Deleted]

* * * Effective Dates * * *

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 1 shall take effect on passage.

(b) Sec. 2 shall take effect on July 1, 2014.