

Occupational Licenses of Servicemembers and Military Spouses Act

Casey Nelson

Attorney

Division of Legislative Services

Background of the Uniform Act

- **2022** – Study Committee on Military Spouse Occupational Licensing was formed
- **January 2023** – Congress passed Title VII of the Servicemembers Civil Relief Act (SCRA)
- **November 2023** – Study Committee recommended the creation of a Drafting Committee
- **December 2024** – Congress passed further amendments to SCRA
- The current Occupational Licenses of Servicemembers and Military Spouses Act reflects an understanding of this timeline and potential future amendments to the SCRA.

Purpose of the Uniform Act

- To support military families by making it easier for servicemembers and military spouses to get state occupational licenses when they are forced to relocate due to military orders.
- To smooth the implementation of the most recent version of the federal Servicemembers Civil Relief Act (SCRA).

Overview of the Uniform Act

1. Requires licensing boards to **issue a license** to a servicemember or their spouse or domestic partner who possesses a license from another state, as long as they can provide proper documentation.
 - The SCRA simply guarantees that an out-of-state license is valid with proper documentation (military orders, marriage certificate, notarized affidavit).
2. Requires licensing boards to **process such applications within 30 days**, or if that deadline cannot be met, issue a temporary license while the application is being processed.
 - This is included in the SCRA.

Overview of the Uniform Act

3. Provides that licenses issued under the Act are valid for the **duration** of a standard license issued by a licensing board and are **renewable** for as long as the military practitioner remains in the state under military orders.
4. Specifies that licenses issued to servicemembers and their spouses under the Act shall **operate the same way as other occupational licenses** issued to in-state practitioners, except that they are generally meant to be temporary.
5. Imposes **information-sharing requirements** on licensing boards with the aim of making it easier for servicemembers and their spouses to obtain new licenses.

Structure of the Uniform Act

- **Definitions**

- “License” is intended to capture “certificate,” “registration,” and similar legal grants of authority that are required for work in a given field.
- “Board” and “license in good standing” are also defined.

- Scope

- Licensing of out-of-state practitioner

- Duration; renewal

- Professional practice standard; scope of practice

- Disciplinary action

- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- **Scope**
 - The Act applies to both servicemembers and military spouses.
- Licensing of out-of-state practitioner
- Duration; renewal
- Professional practice standard; scope of practice
- Disciplinary action
- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- Scope
- **Licensing of out-of-state practitioner**
 - The Act requires the issuance of a license in the new state, and boards shall create the application processes and impose a 30-day turnaround.
 - The out-of-state license must be “substantially similar” to the license being applied for.
 - States have differing fee structures, but the goal of the Act is to minimize licensing fees to servicemembers and their spouses.
- Duration; renewal
- Professional practice standard; scope of practice
- Disciplinary action
- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- Scope
- Licensing of out-of-state practitioner
- **Duration; renewal**
 - Licenses issued under this Act are valid for the same license cycle or duration as comparable licenses issued by the board and are renewable for as long as the military practitioner remains in the state under military orders.
- Professional practice standard; scope of practice
- Disciplinary action
- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- Scope
- Licensing of out-of-state practitioner
- Duration; renewal
- **Professional practice standard; scope of practice**
 - The same professional practice standards and scope of practice applies to military license holders under this Act as to regular in-state license holders.
- Disciplinary action
- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- Scope
- Licensing of out-of-state practitioner
- Duration; renewal
- Professional practice standard; scope of practice
- **Disciplinary action**
 - Boards are authorized to discipline military license holders under this Act in the same manner as regular in-state license holders.
- Reporting; designated individual; coordination

Structure of the Uniform Act

- Definitions
- Scope
- Licensing of out-of-state practitioner
- Duration; renewal
- Professional practice standard; scope of practice
- Disciplinary action
- **Reporting; designated individual; coordination**
 - Boards shall file annual reports with the legislature and Governor with certain application and license information obtained pursuant to the Act.
 - Boards shall designate points of contact for servicemembers and military spouses and publicize information regarding the Act.

Comparison to Virginia law

- **§ 54.1-119. Expediting the issuance of licenses, etc., to spouses of military service members; issuance of temporary licenses, etc.**
 - Application review must be completed within 20 days.
 - The out-of-state license must be “substantially equivalent.”
 - Boards may require any “documentation it deems necessary.”
 - Applies only to military spouses.
 - Temporary licenses are limited to 12 months, otherwise no duration or renewal specified.
- **Uniform Act**
 - Application review must be completed within 30 days.
 - The out-of-state license must be “substantially similar.”
 - Specific documentation is required: military orders, marriage certificate, and notarized affidavit.
 - Applies to both spouses and servicemembers.
 - Sets forth clear provisions on scope, duration, renewal, and discipline.

Comparison to Virginia law

- **§ 2.2-2002.2. Military Spouse Liaison; position created; duties; report.**
 - In addition to other outreach and advocacy roles, the Liaison shall “Provide assistance and information to military spouses seeking professional licenses and credentials or other employment in the Commonwealth.”
 - This is one role in the Commonwealth.
- **§ 54.1-103. Additional training of regulated persons; reciprocity; endorsement.**
 - Boards may promulgate regulations or enter into agreements with other jurisdictions to recognize out-of-state licenses.
- **Uniform Act**
 - Boards shall designate points of contact for servicemembers and military spouses.
 - This suggests multiple roles.
 - Sets forth further provisions on reporting requirements.
- The Uniform Act does not address interstate compacts, but the SCRA specifically exempts them.

Remaining differences between Uniform Act and Virginia law

- Virginia law only covers military spouses and does not include servicemembers.
- Virginia law leaves required documentation up to each board, while the Uniform Act requires military orders, a marriage certificate, and a notarized affidavit.
- The Uniform Act specifies the duration and renewal of licenses issued under the Act and the equivalent nature of professional standards and disciplinary actions for licenses issued under the Act.
- The Uniform Act includes reporting requirements, which relate to the number of applications received, licenses issued or denied, and average processing time under the Act.
- Virginia's Military Spouse Liaison serves a function proposed in the Uniform Act, but the Act suggests points-of-contact within boards.
- The Uniform Act makes a suggestion that fees should be minimized.

Informal meeting discussion points

- Preemption concerns with the SCRA were noted, but there was consensus that the Uniform Act still serves an important gap-filling role.
- A savings clause was proposed to make the Uniform Act adaptable to further potential changes to the SCRA.
 - This would ensure that the Uniform Act is at least as protective as the most current version of the SCRA.

Questions?

Casey Nelson

Attorney

Division of Legislative Services