



SENATE BILL 545: Workforce Enrichment/Veterans

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-143

Date:

Prepared by: Bill Patterson
Staff Attorney

SUMMARY: *S.L. 2015-143 requires an occupational licensing board to issue a license to a military-trained applicant if the applicant demonstrates military occupational specialty certification and experience in the licensed occupational field and passes a proficiency examination offered by the licensing board to military-trained applicants.*

This act became effective July 8, 2015.

CURRENT LAW: For purposes of Chapter 93B, "occupational licensing board" is defined to include any board established for the primary purpose of regulating the entry of persons into a particular profession and the conduct of persons within the profession that is authorized to issue licenses. However, "occupational licensing board" does not include State agencies, staffed by full time State employees, which as a part of their regular functions may issue licenses. G.S. 93B-1.

In July 2012, S.L. 2012-196 (House Bill 799) enacted G.S. 93B-15.1 requiring occupational licensing boards to issue occupational licenses to military-trained applicants and military spouses if:

- The military-trained applicant was awarded a military occupational specialty; completed a military program of training and testing or equivalent training and experience as determined by the board; performed in that specialty at a level substantially equivalent to or exceeding the requirements for licensure; and engaged in the active practice of the occupation for at least 2 of the 5 years preceding the date of the application.
- The military spouse applicant must hold a current license from another jurisdiction that has requirements for licensure substantially equivalent to or exceeding the requirements for licensure; demonstrate competency in the occupation through methods as determined by the occupational licensing board; and be in good standing and not be disciplined by the agency that had jurisdiction to issue the license.

Both military-trained applicants and spouses must pay any fees required by the occupational licensing board and have not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, if the act occurred in the State. All relevant experience in the discharge of official duties for the military-trained applicant and all relevant experience including part time, full time, paid and volunteer experience for the military spouse will be credited in the calculation of required years of practice.

The practice of law and the occupations licensed by the NC Medical Board are exempted from the requirements of G.S. 93B-15.1 by subsections (e) and (j). Subsection (i) provides that the State Board of Education is considered an occupational licensing board when issuing teacher licenses under G.S. 115C-296.

BILL ANALYSIS: The act amends G.S. 93B-15.1 to add a new method for military-trained applicants to receive an occupational license in the State: military occupational specialty certification plus proficiency examination.

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The proficiency examination for military-trained applicants is the same examination given routinely by an occupational licensing board. If a proficiency examination is not routinely offered, the occupational licensing board must design a fair proficiency examination for military-trained applicants.

EFFECTIVE DATE: The act became effective on July 8, 2015.

BACKGROUND: The Program Evaluation Division (PED) examined the State's various independent occupational licensing boards and issued Report Number 2014-15: Occupational Licensing Agencies Should Not be Centralized, but Stronger Oversight is Needed.

The Report discusses 3 groups of licensing boards:

- 55 occupational licensing agencies (OLAs) with occupational licensing boards as defined by G.S. 93B-1.
- 151 licensed occupations that are administered and regulated by 12 state-level agencies outside of the scope of G.S. 93B-1.
- 6 State agency-housed occupational licensing boards (Alarm Systems Licensing Board, Board of Employee Assistance Professionals, Home Inspector Licensure Board, Manufactured Housing Board, Private Protective Services Board, Code Officials Qualification Board).

G.S. 93B-15.1 only applies to occupational licensing boards as defined in G.S. 93B-1. The following table lists the 55 OLAs from the PED Report that are known to meet the statutory definition:

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| NC Acupuncture Licensing Board | The Midwifery Joint Committee |
| NC Appraisal Board | NC Board of Nursing |
| NC Board of Architecture | NC Board of Examiners for Nursing Home Administrators |
| NC Board of Athletic Trainers Examiners | NC Board of Occupational Therapy |
| NC Auctioneer Licensing Board | NC Board of Opticians |
| NC Board of Barber Examiners | NC State Board of Examiners in Optometry |
| NC Cemetery Commission | Cape Fear River Navigation and Pilotage Commission |
| NC Board of CPA Examiners | Morehead City Navigation and Pilotage Commission |
| NC Board of Chiropractic Examiners | Board of Examiners of Fee-Based Practicing Pastoral Counselors |
| NC Board of Cosmetic Art Examiners | NC Board of Pharmacy |
| NC State Board of Dental Examiners | NC Board of Physical Therapy Examiners |
| NC Board of Dietetics / Nutrition | NC Board of Plumbing, Heating, and Fire Sprinkler Contractors |
| NC State Board of Examiners of Electrical Contractors | NC Board of Podiatry Examiners |
| NC Board of Electrolysis Examiners | NC Board of Licensed Professional Counselors |
| NC Board of Examiners for Engineers and Surveyors | NC Psychology Board |
| NC Board of Environmental Health Specialist Examiners | NC Real Estate Commission |
| NC Board of Registration for Foresters | NC Board of Recreational Therapy Licensure |
| NC Board of Funeral Service | NC State Board of Refrigeration Examiners |
| NC Licensing Board for General Contractors | NC Respiratory Care Board |
| NC Board for Licensing of Geologists | NC Social Work Certification and Licensure Board |
| NC State Hearing Aid Dealers and Fitters Board | NC Board for Licensing of Soil Scientists |
| NC Interpreter and Transliterator Licensing Board | NC Board of Examiners for Speech and Language Pathologists and Audiologists |
| NC Irrigation Contractor's Licensing Board | NC Substance Abuse Professional Practice Board |
| NC Board of Landscape Architects | NC Veterinary Medical Board |
| NC Landscape Contractor's Registration Board | NC Onsite Wastewater Contractor Inspector Certification Board |
| NC Board of Law Examiners | |
| NC Locksmith Licensing Board | |
| NC Marriage and Family Therapy Licensure Board | |
| NC Board of Massage and Bodywork Therapy | |
| NC Medical Board | |

Staff Attorney Greg Roney substantially contributed to this summary.