

CONTACT

POLICY DEPARTMENT

MARIA CILENTI

212.382.6655 | mcilenti@nycbar.org

ELIZABETH KOCIENDA

212.382.4788 | ekocienda@nycbar.org

**REPORT ON LEGISLATION BY THE
COMMITTEE ON MILITARY AFFAIRS AND JUSTICE**

**A.4394-A
S.2947-A**

**M. of A. Ortiz
Sen. Ritchie**

AN ACT to amend the education law, in relation to expedited licensing by certain military spouses

THIS BILL IS APPROVED

INTRODUCTION

This report is respectfully submitted by the Committee on Military Affairs and Justice (the “Committee”) of the New York City Bar Association (the “City Bar”), an organization of more than 24,000 legal professionals dedicated to improving the administration of justice.

Military members and their families are often subjected to frequent relocation to different states every few years. Many military spouses are employed in fields that require licensing by the state in which they reside. Relocation of a military family to New York may render the spouse unemployable in his or her field until he or she becomes licensed in New York. Thus, dual-income military families are placed at an economic disadvantage until the spouse is admitted to his or her profession in New York. The proposed legislation seeks to remove this disadvantage by expediting New York licenses in particular occupations and professions to military spouses who previously met the licensing requirements of another state in the same occupation or profession and where it has been determined that the out-of-state licensing standards are not lower than New York’s.

The Committee has reviewed this bill, and submits this memorandum in support of the proposed legislation.

RATIONALE FOR THE LEGISLATION

Members of the U.S. Armed Forces dedicate their careers to the service of this country, often in dangerous locations, placing their lives at risk. Accordingly, all efforts should be made to ensure that military families are provided with all opportunities to maximize their families' earning potential. For military spouses, this goal means providing them with the ability to practice and advance in the occupation or profession of their choice, with their spouses' military service having minimal impact on their careers and working lives.

The average assignment to a stateside military installation lasts two to four years—and

can be as short as six months to one year. A career service member who spends 20 years in the military may be forced to relocate his or her family many times throughout those 20 years. Each transfer not only takes a psychological and emotional toll on the family, but also creates serious challenges to continuity of spousal employment. This problem is especially acute when military spouses are employed in professions and occupations requiring state licenses (e.g., massage therapists, social workers, accountants). These transfers slow spouses' prospects for career advancement; and they burden the military spouses with the challenge of acquiring new licenses in their new state, while at the same time forcing them to adapt to a new job market in a different part of the country. Due to the modest wages of service members, many military families are dual-income, and onerous state licensing requirements can result in military families losing an entire source of income for a significant period of time. All too often, this can result in underemployment or reliance on state assistance programs (e.g., food stamps).¹

New York is home to numerous active duty and reserve military installations, including Fort Drum, the United States Military Academy at West Point, Fort Hamilton, Garden City, multiple air bases, and hundreds of recruiting centers.

HIGHLIGHTS OF THE BILL

The bill amends Section 6501 of the Education Law² to afford those military spouses seeking to qualify for a license covered under the section with an expedited review of their application. In addition to expediting the review of their application, a military spouse who provides "satisfactory documentation that he or she holds a license in good standing from another state" may request a temporary practice permit. The State Education Department will be grant a temporary practice permit when the application and supporting documentation indicate the individual "holds a license in good standing from another state with significantly comparable licensure requirements to those of the state with significantly comparable licensure requirements." A temporary practice permit would allow an individual to work under the supervision of a New York State licensee for a period of 6 months or 10 days after notification that an applicant doesn't meet licensure qualifications; an additional 6 months can be granted in certain qualifying circumstances. The bill provides a reduced burden provision which will provide military spouses with a 50% reduction in their license fee.

SUPPORT FOR THE LEGISLATION

Every other state has already had success in passing similar legislation. For example, in April 2013, the Governor of Maryland approved Senate Bill 273, the Veterans Full Employment Act, which expedites the licensing, certification, and registration process for service members, veterans, and military spouses engaged in certain health and financial service occupations.³ Similarly, in Massachusetts, on May 31, 2012, Governor Patrick signed into law the Veterans'

¹ Nationwide, an average of \$100 million in food stamp assistance is given to military families each year.

² This section covers all "professions" licensed under Title 8 of the Education Law, including, for example, chiropractors, pharmacists, architects, social workers, dieticians and nutritionists, interior designers, and athletic trainers.

³ See <http://www.dllr.state.md.us/license/opvetlic.shtml>.

Access, Livelihood, Opportunity and Resources Act (VALOR Act). Under the VALOR Act, the Division of Professional Licensure (DPL) is required to expedite the licensure process for military spouses who are licensed by professional licensing boards of other states. The VALOR Act II, signed by Governor Patrick on April 3, 2014, provides that the DPL will also waive a portion of the licensure fees for applicants under the VALOR Act.⁴ While New York has made incremental strides in accommodating a handful of professions (including lawyers),⁵ it remains the only state that has not enacted legislation to assist military spouses engaged in a wider group of occupations.⁶

Military service members, along with their families, are asked to make numerous sacrifices as they dedicate their careers to defending America. As service members are paid modest wages, a military spouse should be provided with every opportunity to earn a living and develop a career, regardless of where the Department of Defense decides to station the service member. The numerous relocations that a military family may be subjected to throughout the service member's career should not be a detriment to that family's earning potential. By allowing military spouses who are licensed to practice a particular profession to practice that profession in New York without requiring them to repeat the licensure process they completed in another state, the proposed legislation provides both economic and stress relief to military families.

CONCLUSION

New York cannot remain the only state that fails to remedy this problem. Licensure constraints represent one of the most significant financial hurdles for military families. By allowing military spouses who already have an out-of-state license that meets or exceeds New York's standards to begin working sooner, the bill assists military families and the overall state economy. For these reasons, we support A.4394-A/S.2947-A and urge the Legislature and Governor to enact this much needed legislation.

Military Affairs and Justice Committee
Michael P. Richter, Chair

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⁴ See <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/info-and-services/valor-act-info.html>.

⁵ Currently, New York law provides reciprocity for military spouses in subsection (d) of section 2136 of the Insurance Law covering insurance agents and brokers, excess line brokers, reinsurance intermediaries, insurance consultants, and adjusters; section 442-g(6) of the Real Property Law (RPL) for licensed real estate brokers and real estate salespeople; section 444-e of the RPL for professional home inspectors generally. The Board of Law Examiners provides an expedited and less stringent process for military spouses with law licenses from other states to obtain permission to practice in New York,

⁶ A complete list of states that have enacted legislation supporting portability of military spouse careers, either by endorsements, temporary licensure, or expedited review, can be found on the National Military Family Association webpage, at <http://www.militaryfamily.org/spouses-scholarships/licensing-certification.html>.