

SENATE, No. 279

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

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District 35 (Bergen and Passaic)

SYNOPSIS

Revises requirements and process for temporary courtesy licenses and certificates issued by State Board of Examiners, NJ Board of Nursing, and other professional and occupational licensing boards to nonresident military spouses.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee with technical review.



1 AN ACT concerning licensure and certification of military spouses,
2 amending various parts of statutory law, and supplementing
3 P.L.2013, c.68.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.2013, c.68 (C.18A:26-2.14) is amended to
9 read as follows:

10 1. a. As used in this section, "nonresident military spouse"
11 means a person (1) whose spouse is an active duty member of the
12 Armed Forces of the United States who is the subject of a military
13 transfer to New Jersey, and (2) who has left employment in another
14 state to accompany such spouse to New Jersey.

15 b. Notwithstanding any other provision of law to the contrary,
16 the State Board of Education shall establish a procedure for the
17 issuance of a temporary instructional certificate to a nonresident
18 military spouse that authorizes a board of education to employ the
19 nonresident military spouse as a teacher if, at the time of
20 application, the nonresident military spouse:

21 (1) Holds a valid and current license or certificate to teach
22 issued by another state for which there is an equivalent and
23 currently-issued New Jersey grade level or subject endorsement;

24 (2) Demonstrates competency in teaching in a manner
25 determined by the State Board of Examiners, such as having taught
26 successfully under the out-of-State license or certificate for at least
27 three years, as documented by a letter of experience from a past
28 supervisor or authorized district representative; having met the New
29 Jersey grade point average requirement for an instructional
30 certificate under State Board of Education regulations; or having
31 completed continuing education units; and

32 (3) Pays **[any applicable fees]** a criminal history record check
33 fee if required by the State Board of Examiners.

34 c. A temporary instructional certificate issued under this
35 section shall be valid for **[180]** 365 days and **[may]** shall be
36 extended at the discretion of the State Board of Examiners for
37 another **[180 days]** four years on application of the holder of the
38 temporary instructional certificate provided that the holder
39 demonstrates progress towards obtaining a New Jersey standard
40 instructional certificate in a time and manner as determined by the
41 board. The temporary instructional certificate shall authorize the
42 nonresident military spouse to be employed as a teacher by a board
43 of education on a temporary basis while completing any specific
44 additional requirements for an instructional certificate in New

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Jersey that were not required in the other state in which the
2 nonresident military spouse holds a license or certificate to teach.

3 d. Nothing in this section shall be construed to prohibit a
4 nonresident military spouse from obtaining a New Jersey certificate
5 of eligibility, certificate of eligibility with advanced standing, or
6 standard certificate under State Board of Education regulations,
7 including the regulation for interstate reciprocity.

8 e. The State Board of Education shall promulgate regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
11 section.

12 (cf: P.L.2013, c.68, s.1)

13

14 2. (New section) The Department of Education shall establish
15 procedures to expedite the processing of an application submitted
16 by a nonresident military spouse, as defined in subsection a. of
17 section 1 of P.L.2013, c.68 (C.18A:26-2.14), for a New Jersey
18 standard instructional certificate. Nothing in this section shall be
19 construed to authorize the issuance of a standard instructional
20 certificate to a nonresident military spouse who has not met the
21 applicable State requirements for the certificate.

22

23 3. Section 1 of P.L.2013, c.264 (C.45:1-15.5) is amended to
24 read as follows:

25 1. a. As used in this section:

26 "Another jurisdiction" means the District of Columbia, a territory
27 of the United States, or a state other than New Jersey.

28 "Board" means a professional or occupational board designated
29 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional
30 or occupational license, certificate of registration, or certification.

31 "Nonresident military spouse" means a person who is not
32 domiciled in this State who is the spouse of an active duty member
33 of the Armed Forces of the United States who has been transferred
34 to this State in the course of the member's service, is legally
35 domiciled in this State, or has moved to this State on a permanent
36 change-of-station basis.

37 b. Notwithstanding the provisions of any law, rule or regulation
38 to the contrary, each board shall issue, upon application, a license to
39 a nonresident military spouse who meets the requirements of this
40 section, so that the nonresident military spouse may practice
41 lawfully the person's profession or occupation. At the discretion of
42 the board, a nonresident military spouse shall receive a license
43 under this subsection:

44 (1) pursuant to any law, rule, or regulation providing for
45 licensure by endorsement or reciprocity in the profession or
46 occupation regulated by the board; or

47 (2) pursuant to an application for a temporary courtesy license
48 pursuant to subsection d. of this section.

1 c. Notwithstanding the provisions of any other law, rule, or
2 regulation to the contrary, each board shall establish criteria for the
3 issuance of a temporary courtesy license to a nonresident military
4 spouse so that the nonresident military spouse may lawfully practice
5 the profession or occupation regulated by that board in this State on
6 a temporary basis, subject to the requirements of subsection d. of
7 this section when applicable.

8 d. A nonresident military spouse who applies for a temporary
9 courtesy license pursuant to paragraph (2) of subsection b. of this
10 section shall be entitled to receive that license if that person:

11 (1) holds a current license to practice the profession or
12 occupation in another jurisdiction that the board determines has
13 licensure requirements to practice the profession or occupation that
14 are equivalent to those adopted by the board;

15 (2) was engaged in the active practice of the profession or
16 occupation in another jurisdiction for at least two of the five years
17 immediately preceding the date of application for the temporary
18 courtesy license, for which purpose relevant full-time experience in
19 the discharge of official duties in the Armed Forces of the United
20 States or an agency of the federal government shall be credited in
21 the counting of years of service;

22 (3) has not committed an act in another jurisdiction that would
23 have constituted grounds for the denial, suspension, or revocation
24 of a license to practice the profession or occupation in this State;

25 (4) has not been disciplined, and is not the subject of an
26 investigation of an unresolved complaint, or a review procedure or
27 disciplinary proceeding, which was conducted by, or is pending
28 before, a professional or occupational licensing or credentialing
29 entity in another jurisdiction;

30 (5) pays for, and authorizes the board to conduct, a criminal
31 history record background check of that person pursuant to
32 P.L.2002, c.104 (C.45:1-28 et seq.) if such check is required to
33 practice the occupation or practice regulated by that board;

34 (6) **【pays any fee the board reasonably requires for the issuance**
35 **of the temporary courtesy license】** (Deleted by amendment,
36 P.L. , c.) (pending before the Legislature as this bill);

37 (7) has satisfied any continuing education requirements in the
38 jurisdiction where that person holds a current license to practice the
39 profession or occupation, and, at the discretion of the board,
40 completes such continuing education hours or credits as may be
41 required by the board within the time frame the board may
42 establish;

43 (8) at the discretion of the board and if applicable, successfully
44 completes a New Jersey jurisprudence examination required of
45 resident applicants or any other examination specifically predicated
46 on New Jersey law required for practice in the profession or
47 occupation; and

1 (9) complies with any other requirements the board may
2 reasonably determine are necessary to effectuate the purposes of
3 this section.

4 e. A nonresident military spouse who holds a temporary license
5 pursuant to paragraph (2) of subsection b. of this section shall be
6 entitled to the same rights and be subject to the same obligations as
7 provided by the respective board for New Jersey residents, except
8 that revocation or suspension of a nonresident military spouse's
9 license in the nonresident military spouse's state of residence or any
10 jurisdiction in which the nonresident military spouse held licensure
11 shall automatically cause the same revocation or suspension of the
12 person's temporary courtesy license in New Jersey if that revocation
13 or suspension was on the basis of a charge or commission of a
14 criminal offense, competency, or harmful or inappropriate behavior.

15 f. A board may require a nonresident military spouse who has
16 not been engaged in the active practice of the profession or
17 occupation in another jurisdiction during the two years immediately
18 preceding the application to undergo additional training, testing,
19 mentoring, monitoring or education should the board deem it
20 necessary.

21 g. A temporary courtesy license issued pursuant to this section
22 shall be valid for a period of one year and **【may】 shall** be extended
23 **【at the discretion of the board for an additional one year】**
24 indefinitely provided the applicant's spouse is stationed in this State
25 upon application of the holder of the temporary courtesy license.

26 h. Each board shall adopt rules and regulations pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), to carry out the purposes of this section, except that,
29 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
30 seq.) to the contrary, each board may adopt, immediately upon
31 filing with the Office of Administrative Law, regulations the board
32 deems necessary to implement the provisions of this section, which
33 shall be effective for a period not to exceed six months and may
34 thereafter be amended, adopted, or re-adopted by the board in
35 accordance with the requirements of P.L.1968, c.410 (C.52:14B-
36 1 et seq.).

37 i. Each board shall establish an expedited licensing process for
38 the issuance of temporary courtesy licenses to nonresident military
39 spouses pursuant to this section.

40 (cf: P.L.2013, c.264, s.1)

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42 4. Section 1 of P.L.2012, c.76 (C.45:11-26.2) is amended to
43 read as follows:

44 1. a. As used in this section:

45 "Another jurisdiction" means a state or territory of the United
46 States other than New Jersey, or the District of Columbia.

47 "Board" means the New Jersey Board of Nursing.

1 "Nonresident military spouse" means a nonresident of this State
2 who is the spouse of an active duty member of the Armed Forces of
3 the United States who has been transferred to this State in the
4 course of the member's service, is legally domiciled in this State, or
5 has moved to this State on a permanent change-of-station basis.

6 b. Notwithstanding the provisions of any other law or
7 regulation to the contrary, the board shall establish criteria for the
8 issuance of a temporary courtesy license to practice nursing to a
9 nonresident military spouse so that the nonresident military spouse
10 may lawfully practice nursing in this State on a temporary basis,
11 subject to the requirements of subsection c. of this section.

12 c. A nonresident military spouse who applies for a temporary
13 courtesy license pursuant to subsection b. of this section shall be
14 entitled to receive such a license if that person:

15 (1) holds a current license to practice nursing in another
16 jurisdiction **【**that the board determines has licensure requirements
17 to practice nursing that are equivalent to those adopted by the
18 board**】**;

19 (2) was engaged in the active practice of nursing in another
20 jurisdiction for at least two of the five years immediately preceding
21 the date of application for the temporary courtesy license, for which
22 purpose relevant full-time experience in the discharge of official
23 duties in the Armed Forces of the United States or an agency of the
24 federal government shall be credited in the counting of years of
25 service;

26 (3) has not committed an act in another jurisdiction that would
27 have constituted grounds for the denial, suspension, or revocation
28 of a license to practice nursing in this State;

29 (4) has not been disciplined, and is not the subject of an
30 investigation of an unresolved complaint, or a review procedure or
31 disciplinary proceeding, which was conducted by, or is pending
32 before, a professional or occupational licensing or credentialing
33 entity in another jurisdiction;

34 (5) pays for, and authorizes the board to conduct, a criminal
35 history record background check of that person pursuant to
36 P.L.2002, c.104 (C.45:1-28 et seq.);

37 (6) **【**pays such fee as the board reasonably requires for the
38 issuance of the temporary courtesy license**】** (Deleted by
39 amendment, P.L. , c.) (pending before the Legislature as this
40 bill); and

41 (7) complies with such other requirements as the board may
42 reasonably determine necessary to effectuate the purposes of this
43 section.

44 d. A temporary courtesy license issued pursuant to this section
45 shall be valid for a period of one year and **【may】** shall be extended
46 **【at the discretion of the board for an additional year】** indefinitely

1 provided the applicant's spouse is stationed in this State upon
2 application of the holder of the temporary courtesy license.

3 e. The board shall adopt rules and regulations pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
5 1 et seq.), to carry out the purposes of this section, except that,
6 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-
7 1 et seq.) to the contrary, the board may adopt, immediately upon
8 filing with the Office of Administrative Law, such regulations as
9 the board deems necessary to implement the provisions of this
10 section, which shall be effective for a period not to exceed six
11 months and may thereafter be amended, adopted, or re-adopted by
12 the board in accordance with the requirements of P.L.1968, c.410
13 (C.52:14B-1 et seq.).

14 f. The board shall establish an expedited licensing process for
15 the issuance of temporary courtesy licenses to nonresident military
16 spouses pursuant to this section.

17 (cf: P.L.2012, c.76, s.1)

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19 5. Sections 1 and 2 of this act shall take effect immediately.
20 Sections 3 and 4 shall take effect on the first day of the third month
21 next following the date of enactment, except that the New Jersey
22 Nursing Board and a professional or occupational board designated
23 in section 2 of P.L.1978, c.73 (C.45:1-15) may take any anticipatory
24 administrative action in advance of that date as shall be necessary
25 for the implementation of this act.