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Memorandum

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TO: Interested Persons

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SUBJECT: Occupational and Professional Licensing for Military Spouses

Summary

This memorandum provides information concerning occupational and professional licenses for military spouses, including reciprocity and other licensing mechanisms for military spouses in Colorado and other states, and federal efforts to address military spouse licensure.

Professional Licensing in Colorado

A number of professions require a license to practice in Colorado. The Division of Professions and Occupations (DPO) in the Department of Regulatory Agencies (DORA) regulates most of these, with each profession overseen by a board or commission. Nurses, engineers, and cosmetologists are examples of professions regulated under DPO. However, other DORA divisions and other state departments regulate some professions, such as the Division of Real Estate, which licenses real estate brokers, and the Department of Education, which licenses teachers and other education-related professionals.

Military Spouse Licensure in Colorado under DORA

Temporary licensure. For most professions licensed under DORA, a military spouse who has been relocated to Colorado by military orders and has an active license in good standing from another state may practice under a temporary license for up to one year from the date he or she moved to Colorado. By the end of this one-year period, the spouse must complete a military spouse exemption form and complete the appropriate application to receive a Colorado license. Some professions, including professional engineers and interns, professional land surveyors and interns, architects, optometrists, physicians, physician assistants, anesthesia assistants, and real estate professionals, are not eligible for temporary licensure.¹ House Bill 12-1059 created the temporary licensure program for military spouses.

¹Section 12-71-101, *et seq.*, C.R.S.

Additional assistance. DORA has a military liaison who fields questions that veterans, members of the military, or military spouses may have regarding licensure requirements. The military liaison also coordinates DORA's Veterans Occupational Credentialing and Licensing (VOCAL) Program. The VOCAL Program seeks to streamline rules and policies for veterans and members of the military across multiple program areas. Additional information about DORA's Military and Veterans Programs can be found at: <https://www.colorado.gov/pacific/dora-military>.

Additional Licensing Agreements in Colorado under DORA

Colorado has various mechanisms for issuing credentials to professionals credentialed in another state, including endorsements, reciprocity, and interstate compacts. While endorsements, reciprocity mechanisms, and compacts with other states are not dependent on the licensee being in the military or being a military spouse, they may be beneficial to a military spouse who is seeking licensure in Colorado.

Endorsements and reciprocity. Under state law, DORA and its licensing boards are permitted to identify alternate criteria to demonstrate competency for professional licensing requirements. Licenses can be issued by endorsement to a person who is licensed to practice in another jurisdiction, if the person presents satisfactory proof to the DORA licensing board that the person possesses credentials and qualifications that are substantially equivalent to requirements in Colorado. Boards may specify by rule what shall constitute substantially equivalent credentials and qualifications. Endorsement requirements and limitations vary from profession to profession.

A license by reciprocity may be issued when a reciprocal agreement for an equivalent license exists between the DORA licensing board and a similar board in another state. Table 1, which is appended as Attachment A, lists the professions and occupations that DORA allows for credentials to be issued through endorsement or reciprocity.

Interstate compacts. Colorado is a member of various interstate compacts that streamline the application process for professionals to work in other member states. Colorado participates in the following interstate compacts related to professional occupational licensing:

- Interstate Medical Licensure Compact (IMLC), which allows a physician who has obtained a license in a compact state to obtain additional medical licenses in participating states through a single application process and on an expedited basis. The IMLC covers 24 states and one territory.
- Enhanced Nurse Licensure Compact (eNLC), which allows a nurse who has obtained a compact multi-state license to practice in any state that is a member of the eNLC. The eNLC covers 31 states.
- Physical Therapy Licensure Compact (PT Compact), which Colorado will enter in January 2019. As of July 2018, four states have entered the PT Compact, and 16 other states have enacted legislation to enter the PT Compact but not yet implemented that legislation.

- Psychological Interjurisdictional Compact (PSYPACT), which Colorado entered through the enactment of enacted House Bill 18-1017, along with five other states; however, as of July 2018, one additional state needs to join before the PSYPACT can become operational. This compact will authorize telepsychology and temporary in-person, face-to-face practice of psychology across state lines in other PSYPACT states. Licensed psychologists will be able to apply for and use a telepsychology certificate or an interjurisdictional practice certificate for temporary in-person practice.

Certification by the Colorado Department of Public Health and Environment

The Colorado Department of Public Health and Environment (CDPHE) certifies emergency medical service (EMS) providers. Under state law, military spouses who are applying for an EMS certification are exempt from most of the initial certification requirements as long as the military spouse holds a current, valid, and unrestricted certification from the National Registry of Emergency Medical Technicians at or above the level of state certification being sought. Additionally, military spouse applications for EMS certification are expedited and are typically processed the same day they are received by CDPHE.² Colorado is also a member of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA); however the compact is not yet operational. The REPLICA Commission is in the process of developing the compact rules, and it is anticipated that the compact will become operational in 2020. Sixteen states have adopted the REPLICA.³

Licenses Issued by the Colorado Department of Education

While the Colorado Educator Licensing Act of 1991 outlines reciprocity provisions for teachers, special service providers, principals, and administrators with out-of-state licenses, Colorado law does not include a special distinction for members of the military or military spouses.⁴ Legislation passed in 2018 changed the reciprocity requirements for teachers and special service providers with out-of-state licenses. Instead of three consecutive years, licensees must have worked in their fields for three of the last seven years. House Bill 18-1095 made this change for military spouses, but House Bill 18-1130 applied it to all out-of-state teacher and special service provider license holders.

General requirements for out-of-state educator license holders. The licenses held by out-of-state licensees must be comparable to the license in Colorado, and the standards for the issuance of the license must meet or exceed the standards of the State Board of Education for the issuance of a similar license in Colorado. A Colorado professional license may be granted to a teacher and special service provider if the applicant:

- graduated from a regionally accredited university;
- taught for three of the last seven years under certification;
- passed Colorado’s fingerprint-based background check; and
- completed the application for licensure.

²Section 25-3.5-203 (1)(d)(III), C.R.S.

³Part 35 of Article 60 of Title 24, C.R.S.

⁴Article 60.5 of Title 22, C.R.S.

Similar requirements apply for principal and administrator license holders, with the exception that they must still have three years of continuous experience under certification. The endorsement for out-of-state teachers and special service providers must be for the same content area in which the license holder is already licensed and teaches. This means that if a teacher has less than three years of experience within the previous seven years, or if Colorado does not have a similar content area endorsement, the applicant may be subject to additional requirements.

Attorney Licenses

Colorado Rules of Civil Procedure allow a military spouse to become certified to practice law in Colorado if the person meets the following criteria:

- the attorney has been admitted to practice law and is on active status in another jurisdiction in the United States;
- the attorney holds a Juris Doctor degree or Bachelor of Laws degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time the applicant matriculated or graduated;
- the attorney is currently a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;
- the attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction; and
- the attorney possesses the character and fitness required of all applicants for admission to the practice of law in Colorado.⁵

Military Spouse Licensure in Other States

The National Conference of State Legislatures (NCSL) recently published a report entitled *Barriers to Work: Veterans and Military Spouses: Improving Access to Licensed Occupations for Veterans and Military Families*. The report provides data on military spouses in the labor force, policy options, and recent actions in the states to address licensure for veterans and military spouses.

Endorsements, reciprocity, and temporary licenses. The NCSL report states that at least 32 states offer licensure by endorsement for military spouses who relocate based on a military transfer, and highlights North Carolina's law on the topic. North Carolina's law is similar to Colorado's law concerning military spouse reciprocity in Section 12-71-102, C.R.S., except that Colorado's licenses issued under this section are only valid for one year, and the North Carolina law does not appear to have this same limitation.⁶ The NCSL report states that almost all states allow military spouses to receive temporary licenses upon relocating, but the length of time for which the temporary license is valid may vary.

⁵C.R.C.P. Rule 204.4.

⁶N.C. Gen. Stat. § 93B-15.1.

With regard to attorneys, Virginia allows military spouse attorneys to practice in Virginia without taking the state bar exam, provided they work under the supervision of a Virginia lawyer and have passed a bar exam and been an active member of the bar in good standing in another state. The Texas Board of Law Examiners allows military spouse attorneys to pay reduced application fees, and it will waive practice requirements on a case-by-case basis.

Fee waivers. Some states, such as Florida, New York, North Carolina, Texas, and West Virginia, waive or reduce licensing fees for military spouses. Specifically, the Texas Department of Licensing and Regulation may waive the initial application fee for occupational licenses it issues for military spouses who are licensed in another state. New York reduces the application fee for teaching licenses for military spouses.

Reinstatement. Texas provides an option for military spouses to reinstate their occupational licenses if they previously held a Texas license that expired within the last five years. Through the reinstatement process, the examination requirements are waived, if certain documents are provided.

The full NCSL report can be found at: <http://www.ncsl.org/research/labor-and-employment/barriers-to-work-veterans-and-military-spouses.aspx>.

Federal Efforts Regarding Military Spouse Licensure in Other States

Executive order. Recently, the federal government has made efforts to assist military spouses with employment. In May 2018, President Trump issued an executive order concerning enhancing noncompetitive civil service appointments of military spouses. The executive order states that is the policy of the United States to enhance employment support for military spouses, and that federal agencies are to promote hiring of military spouses.

U.S. Department of Labor Veterans' Employment and Training Service. In June 2018, the U.S. Department of Labor Veterans' Employment and Training Service, or VETS, announced a professional license and credential finder portal for military spouses. The website provides a comprehensive one-stop destination for occupational licensing portability. It includes resources from across the federal government and highlights states with licensing rights for military spouses. Military spouses can use the portal to search for state laws, regulations, and guidelines on occupational licensing. The website also includes information on how occupational licenses can be transferred from one state to another, including an interactive map that shows military spouse license transfer options and related state laws. The website can be found through the following link: <https://www.veterans.gov/milspouses/>.

Table 1
Professions Licensed by DORA With Endorsement or Reciprocity

License Type	Endorsement and/or Reciprocity
Acupuncturist	Endorsement
Addiction Counselor I	Endorsement
Addiction Counselor II	Endorsement
Addiction Counselor III	Endorsement
Anesthesiologist Assistant	Endorsement
Architect	Endorsement & Reciprocity
Athletic Trainer	Endorsement
Audiologist	Endorsement
Barber	Endorsement
Certified Nurse Aide	Endorsement
Certified Nurse Midwife	Endorsement
Certified Public Accountant	Reciprocity
Certified Registered Nurse Anesthetist	Endorsement
Chiropractor	Reciprocity
Clinical Nurse Specialist	Endorsement
Cosmetologist	Endorsement
Dental Hygienist	Endorsement
Direct Entry Midwife	Endorsement
Engineer Intern	Endorsement
Esthetician	Endorsement
Hair Stylist	Endorsement
Hearing Aid Provider	Endorsement
Journeyman Electrician	Endorsement & Reciprocity
Journeyman Plumber	Endorsement
Land Surveyor Intern	Endorsement
Landscape Architect	Endorsement
Licensed Addiction Counselor	Endorsement
Licensed Clinical Social Worker	Endorsement
Licensed Practical Nurse	Endorsement
Licensed Professional Counselor	Endorsement
Licensed Psychologist	Endorsement
Licensed Social Worker	Endorsement
Marriage and Family Therapist	Endorsement
Massage Therapist	Endorsement
Master Electrician	Endorsement
Master Plumber	Endorsement
Nail Technician	Endorsement
Nurse Practitioner	Endorsement
Nursing Home Administrator	Endorsement
Occupational Therapist	Endorsement
Occupational Therapy Assistant	Endorsement
Optometrist	Endorsement
Pharmacist	Endorsement & Reciprocity
Physical Therapist	Endorsement & Reciprocity
Physical Therapist Assistant	Endorsement
Physician	Endorsement
Podiatrist	Endorsement & Reciprocity
Professional Engineer	Endorsement
Professional Land Surveyor	Endorsement
Psychiatric Technician - Developmentally Disabled	Endorsement
Psychiatric Technician - Mentally Ill	Endorsement
Registered Naturopathic Doctor	Endorsement
Registered Nurse	Endorsement
Registered Psychotherapist	Endorsement
Residential Plumber	Endorsement
Residential Wireman	Endorsement
Respiratory Therapist	Endorsement
Speech Language Pathologist	Endorsement
Veterinarian	Endorsement

Source: Colorado Department of Regulatory Agencies.