

Chapter 308-09 WAC
MILITARY SERVICE MEMBERS OR SPOUSES—PROFESSIONAL LICENSE

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WAC

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WAC 308-09-005 Purpose. (1) This chapter implements requirements for regulated professional or occupational licenses regarding licensing of military service members and military spouses and registered domestic partners.

(2) In addition to the requirements contained in this rule, there may be requirements unique to a particular profession or occupation. The authorizing statutes and rules for each professional or occupational license may provide additional requirements and information.

(3) These rules apply to professions or occupations listed in the Uniform Regulation of Business and Professions Act, chapter 18.235 RCW, RCW 18.235.020 (2) (a), and to professions or occupations listed in RCW 18.235.020 (2) (b) if adopted by the appropriate board or commission under separate rule, and to the businesses regulated under chapter 46.70 RCW.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-005, filed 6/11/20, effective 7/12/20.]

WAC 308-09-010 Definitions. (1) "Director" means the director of the department of licensing or designee.

(2) "Employment" means self-employment and employment by any other entity.

(3) "Good standing" means the condition of a valid license authorizing a person to engage in a regulated profession or occupation. A license in good standing is not subject to any disciplinary sanctions, terms, conditions, or restrictions by the licensing authority of this state, or the jurisdiction where the licensee is licensed to practice.

(4) "License" means permission to engage in a profession or occupation as defined by chapter 18.235 or 46.70 RCW.

(5) "Licensee" means a person who possesses a license to engage in a regulated profession or occupation.

(6) "Licensing authority" means:

(a) The director of the department of licensing or designee with respect to those occupations or professions identified in chapter 46.70 RCW and RCW 18.235.020 (2) (a); or

(b) A board having licensing authority over those occupations or professions identified in RCW 18.235.020 (2) (b) if the appropriate licensing authority has adopted these rules.

(7) "Military service member" means a person serving in the military.

(8) "Military service" or "serving in the military" means being enlisted or commissioned in the United States Armed Forces (active or

reserve components), the United States health service commissioned corps, the United States National Guard, or the Merchant Marines of the United States or a veteran of these branches.

(9) "Military spouse" means any person currently or previously married to or in a registered domestic partnership with a military service member during the military service member's period of active, reserve, or National Guard service.

(10) "Regulated profession or occupation" means a profession or occupation identified in chapter 46.70 RCW or RCW 18.235.020 (2) (a) or (b) if the appropriate board or commission has adopted these rules.

(11) "Standard license" means a license of standard duration and renewal requirements, as established by that program's governing statute.

(12) "Status" means the condition of a license, wherein:

(a) An "active license" status means the licensee is authorized to engage in a regulated profession or occupation;

(b) An "inactive license" status means the licensee has qualified for the license but is not currently authorized to engage in a regulated profession or occupation for nondisciplinary reasons, for example because the licensee has left Washington state as a result of their spouse or partner being deployed or stationed to a location outside of Washington state;

(c) A licensee may place their license in "military status" if they are serving in the military. A license in military status is an active license.

(13) "Substantially equivalent" means the requirements to qualify for the same or similar license in another state are materially similar to Washington requirements in terms of quality, quantity of training, or experience.

(14) "Temporary license" is a license that authorizes the licensee to engage in a regulated profession or occupation for a defined period of time during which the licensee completes additional requirements for Washington licensure that are not related to training or practice standards of the profession as noted in RCW 18.340.020 (2) (c).

(15) "Training or practice standards" means education, experience, Washington specific examination, or a combination thereof, directly relating to the state's interest in regulating a specific profession or occupation to protect the public health, safety, or welfare.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-010, filed 6/11/20, effective 7/12/20.]

WAC 308-09-015 Military spouse requesting expedited processing.

(1) A military spouse may request expedited processing when the military spouse:

(a) Holds an active license in good standing issued by another jurisdiction;

(b) Is moving to Washington as a result of their spouse's permanent change of duty station based on military orders; and

(c) Is leaving employment in another state to accompany their spouse to Washington.

(2) To request expedited processing, the military spouse applicant must:

- (a) Submit the appropriate license application indicating the applicant is a military spouse, with the appropriate fee(s);
- (b) Submit documentation that shows the applicant had an applicable license in good standing issued by another jurisdiction and that shows the applicant is not subject to any disciplinary action by the licensing authority of that jurisdiction;
- (c) Upon request, submit any of the following:
 - (i) A copy of the military service member's service orders;
 - (ii) A letter from the military service member's commanding officer explaining the military service member's transfer of duty stations;
 - (iii) A copy of the DD Form 1172-2 DEERS Enrollment;
 - (iv) Other supporting U.S. Department of Defense or Department of Veterans Affairs documentation.
- (d) Upon request, submit a copy of the marriage certificate or evidence of the registered domestic partnership with the military service member.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-015, filed 6/11/20, effective 7/12/20.]

WAC 308-09-020 Military spouse licensing—Equivalency to Washington standards and temporary licensing. (1) The licensing authority must process a request for temporary license as soon as practical after receipt of a completed application. The licensing authority must compare the profession or occupation requirements of the jurisdiction where the applicant held a license to the requirements associated with the most similar license issued by the licensing authority in Washington. The licensing authority will determine whether the requirements of the jurisdiction where the applicant holds a license meet or are substantially equivalent to the requirements for the requested profession or occupation in Washington.

(2) If the licensing authority determines the Washington requirements are substantially equivalent and have been met, and that the applicant is otherwise eligible for the requested license, the licensing authority may issue a standard license.

(3) If the licensing authority determines the training and practice standards of the state where the applicant holds a license are substantially equivalent and the applicant is otherwise eligible for the requested license, the licensing authority may issue a temporary license to allow the applicant time to complete additional requirements not related to training or practice standards that are necessary to qualify for a standard license in Washington.

(4) A temporary license issued under these rules becomes null and void when any of the following occur:

- (a) A standard license is issued;
- (b) A denial of the standard license application becomes final;
- (c) The temporary license expires.

(5) Prior to the expiration date of the temporary license the temporary license holder may ask the licensing authority in writing to extend the expiration date. The licensing authority will consider extension of the expiration date based on the temporary license holder's need and documented progress toward meeting standard license requirements.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-020, filed 6/11/20, effective 7/12/20.]

WAC 308-09-025 Converting a military spouse's active license to an inactive license. (1) The licensing authority will convert a military spouse's active license in good standing to an inactive license when the licensee:

(a) Submits a written request for the license status to be changed from active to inactive due to the licensee's spouse or registered domestic partner being deployed or stationed in a location outside Washington state.

(b) Submits, upon request, the following:

(i) A copy of service orders verifying the licensee's spouse or domestic partner is a member of the military service areas defined in WAC 308-09-010(8) and has been, or will be deployed or stationed to a location outside Washington state.

(ii) A copy of the marriage certificate or evidence of the registered domestic partnership with the military service member.

(2) The licensee must not practice in Washington while the license is in an inactive status.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-025, filed 6/11/20, effective 7/12/20.]

WAC 308-09-030 Military spouses—Inactive licenses. (1) A military spouse may maintain an inactive license as long as the military service member is stationed or deployed in a location outside the state of Washington. Upon return to Washington, the military spouse has six months to request their license return to active.

(2) To change their license from inactive to active, the military spouse licensee must, within six months of returning to Washington state:

(a) Submit a written request for the change to an active license;

(b) Pay the current renewal fee, if applicable. The licensee should contact the regulatory program directly to determine whether a renewal fee is due; and

(c) Complete any continuing education requirements or other requirements necessary to make the license active and compliant with current program requirements. The continuing education requirements will be determined by the regulatory program's licensing authority, but will not exceed the requirements needed for the current renewal cycle unless required by the regulatory program's authorizing statute or federal guidelines. The licensee should contact the regulatory program directly to determine what requirements must be met.

(3) The director may defer completion of continuing education for the holder of an inactive license and place the license in an active status for a period of ninety days, pending completion of education. If the holder of a license fails to comply with the continuing education requirement within the ninety-day time frame, the license will expire and the licensing authority will follow standard late renewal or cancellation processes.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-030, filed 6/11/20, effective 7/12/20.]

WAC 308-09-040 Licensee with active licenses who enter the military. (1) A person who already holds a license issued by the licensing authority who then enters active military service may notify the department to request their license be assigned military status. This allows the licensee to maintain their license in full force and effect while in military service.

(2) The licensing authority will convert an active licensee whose license is in good standing to military status when the licensee submits all of the following:

(a) A written request for military status due to entering active military service, including the expected duration of their deployment; and

(b) A copy of service orders verifying the licensee is an active duty member of the armed forces of the United States or the other services described in WAC 308-09-010(8).

(3) The licensee may obtain military status at any time the criteria in subsection (2) of this section are met. There is no fee required for military status. Portions of the current renewal fee will not be prorated or refunded.

(4) A military status license remains in full force and effect so long as the service continues and allows practice throughout the state of Washington unless sooner suspended, canceled, or revoked by the licensing authority.

(5) A military spouse or registered domestic partner with power of attorney can act as an agent for the military service member.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-040, filed 6/11/20, effective 7/12/20.]

WAC 308-09-045 Maintaining a military status license. (1) As long as a military service member licensee's military service continues, the licensee is not required to renew their license, but should maintain the license in military status. To maintain a military status license, the licensee should submit to the department an official copy of service orders verifying that they are an active duty member of the United States Armed Forces or other services described in WAC 308-09-010(8).

(2) The department will provide courtesy notices to the licensee's address on file using the license renewal cycles.

(3) A licensee should return the courtesy notice to the department with an official copy of their service orders.

(4) Military status license maintenance requests are accepted by the department no sooner than ninety days prior to the date the license would expire if not in military status.

(5) Continuing education is not required while the license is in military status.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-045, filed 6/11/20, effective 7/12/20.]

WAC 308-09-050 Changing a military status license at completion of active military duty. (1) To change a military status license to an active license, the licensee must:

(a) Provide a written notice of the change in their service status;

(b) Pay the current renewal fee, if applicable. The licensee should contact the regulatory program directly prior to making the request to determine whether a renewal fee is due;

(c) Upon request, provide a copy of the orders showing active duty status has changed within the last six months, or discharge papers or DD-214 issued within the last six months.

(2) The licensee must request the military status be changed to active status within six months of honorable discharge by meeting the requirements of subsection (1) of this section.

(3) Continuing education requirements will apply after the first post-discharge renewal. These requirements will be determined by the regulatory program's licensing authority, but will not exceed the requirements needed for the current renewal cycle unless required by the program's authorizing statute or federal guidelines. The licensee should contact the regulatory program directly prior to making the request to determine what requirements must be met.

(4) If the holder of a license fails to comply with subsection (2) of this section, the licensing authority will follow standard late renewal or cancellation processes.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-050, filed 6/11/20, effective 7/12/20.]