

Subject: Federal Military Portability

Date: April 14, 2023

Background:

On January 5, 2023, the federal Veterans Auto and Education Improvement Act of 2022 was signed into law. The full text is available at: <https://www.congress.gov/117/plaws/publ333/PLAW-117publ333.pdf>. The portion relevant to the VEB is in section 19 (pages 17-18 of the pdf) and is copied below.

SEC. 19. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES. 50 USC 4025a.

“(a) IN GENERAL.—In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

“(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located; Records.

“(2) remains in good standing with—

“(A) the licensing authority that issued the covered license; and

“(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

“(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

“(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.

“(c) COVERED LICENSE DEFINED.—In this section, the term ‘covered license’ means a professional license or certificate—

“(1) that is in good standing with the licensing authority that issued such professional license or certificate;

“(2) that the servicemember or spouse of a servicemember has actively used during the two years immediately preceding the relocation described in subsection (a); and

“(3) that is not a license to practice law.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their spouses.”.

Additional Reference:

For reference, Wisconsin statutes regarding military personnel and VEB credentialing is under s. 89.073, Wis. Stats., which is copied below (also available on page 5 of the pdf at <https://docs.legis.wisconsin.gov/statutes/statutes/89.pdf>).

89.073 Reciprocal credentials for service members, former service members, and their spouses. (1) In this section:

(a) "Former service member" means a person who was discharged from the U.S. armed forces under conditions other than dishonorable within 4 years of the date on which the service member or the spouse of the service member applies for a license, certification, or permit under this section.

(b) "Service member" means a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.

(c) "Spouse" includes the spouse of a person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(2) The examining board shall grant a license, certification, or permit specified under s. 89.06 to an individual who the examining board determines meets all of the following requirements:

(a) The individual applies for a credential under this section on a form prescribed by the examining board.

(b) The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state.

(c) The individual holds a credential that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential specified under s. 89.06.

(d) The individual pays the fee established under s. 89.063.

(f) The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential specified under s. 89.06.

(2m) If an individual is unable to provide documentation that the individual is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit to the examining board stating that the individual is a service member, former service member, or the spouse of a service member or former service member.

(3) (a) A credential granted under this section expires on the renewal date specified in s. 89.062 (1), except that if the first renewal date specified in s. 89.062 (1) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 89.062 (1) after the date on which the credential is granted.

(b) The examining board shall grant a renewed license, certification, or permit specified under s. 89.06 to an applicant who pays the renewal fee specified under s. 89.063 and satisfies the renewal requirements under s. 89.062.

(4) The examining board shall expedite the issuance of a license, certification, or permit granted under this section.

(5) The examining board may promulgate rules necessary to implement this section.

History: 2015 a. 179; 2019 a. 143.

Plain Language Explanation:

This is a federal law, so Wisconsin and the VEB must comply with it.

Under the law, veterinary credentials from another jurisdiction held by service members and their spouses who are relocated to Wisconsin because of military orders are considered valid credentials in Wisconsin if they:

- Provide a copy of their military orders to the VEB
- Have actively used the credential during the two years immediately preceding the relocation
- Remain in good standing with all of the following:
 - o The licensing authority that issued the covered license
 - o Every other licensing authority that has issued a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority
- Submit to the authority of the VEB for the purposes of standards of practice, discipline, and fulfillment of continuing education requirements

Whether a person holding a credential is “in good standing” in another jurisdiction would likely depend on the other jurisdiction’s determination. But generally, the definition of “good standing”, when it comes to a professional license, generally means the license is current, in compliance with all legal requirements and orders of a licensing authority, and not subject to any restrictions. For example, if a licensee had prior discipline but the case was resolved and is now licensed without restrictions or discipline, that license could be considered under good standing. If a case is currently open for investigation in another jurisdiction, but that jurisdiction has not yet taken disciplinary action on the license, the license could be considered in good standing until disciplinary actions are taken. An applicant involved in pending litigation or in an unresolved malpractice lawsuit could still be considered in good standing.

The VEB cannot require anything additional from applicants who fulfill the requirements of this federal law. For example, the VEB cannot require the applicant to complete the state law exam.

The VEB will need to develop a process to ensure compliance with this federal law. The VEB could require an application to include a copy of the military orders, a statement regarding good standing, and a statement regarding submitting to the authority of the VEB.