



ISSUE MEMORANDUM

DATE	April 11, 2023
TO	Committee Members, California State Board of Optometry (CSBO)
FROM	Gregory Pruden, Executive Officer
SUBJECT	Agenda Item #6 – Discussion on Federal Military Spouse Licensing Relief Act

Purpose:

To inform members, licensees, applicants, and the public about recent federal law changes impacting military veterans, spouses, and their families.

Background:

Until earlier this year, there was no federal law that required states to provide reciprocity in accepting occupational or professional licenses from other jurisdictions, including for military spouses and veterans. According to a 2019 Department of Defense report, there are more than 132,000 active-duty spouses in occupations that require licensing; this represents about 40% of military spouses in the workforce.

Issue:

On January 5, 2023, President Biden signed into law the Military Spouse Licensing Relief Act (Licensing Relief Act). The Licensing Relief Act applies to both service members and their spouses and is intended to make it easier to transfer professional licenses across state lines when making a military move. The only license type the Licensing Relief Act specifically excludes is the practice of law.

The Licensing Relief Act spells out basic requirements for a service member or military spouse to receive license reciprocity:

1. The service member or spouse must have a covered professional license and relocate because of military orders.
 - a. A covered license is defined as being in good standing with the authority that issued it, has been actively used in the two years immediately preceding the relocation
2. The service member or spouse must provide a copy of the military orders.
3. Remain in good standing with the licensing authority that issued the previous license
4. Submit 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.

The Licensing Relief Act specifies that interstate licensure compacts take precedent over the provisions of the law. CSBO is not part of any interstate licensure compact.

The Licensing Relief Act should improve licensure portability for service members and their spouses, but questions remain regarding how states will implement the requirements. For example, if an individual with a covered professional license must take and complete continuing education requirements under their home state's law, will they also have to take continuing education requirements for purposes of "submitting 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."

How will this impact CSBO? Under several existing laws, CSBO is required to assist service member and military spouse applicants.

Business and Professions Code section 114.3, waives all renewal fees, continuing education and other renewal requirements for licensees called to active duty.

Business and Professions Code section 115.4, expedites the initial licensure process for honorably discharged service members

Business and Professions Code section 115.5, expedites and waives initial license fees for military spouse applicants with a current, active license issued by another state.

CSBO does not receive a high volume of service member or military spouse applicants:

CSBO currently has seven (7) OPT licenses with a military spouse modifier with one (1) pending. The most recent issued was in 2023.

CSBO currently has three active-duty military OPT licensees. The most recent issued was in 2023.

CSBO currently has four (4) SLDs with a military spouse modifier, and the most recent was issued in 2020.

CSBO currently has three (3) CLDs with a military spouse modifier, and the most recent was issued in 2022.