

# Military Spouse License Transfer Options

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## TENNESSEE

### STATUTORY SUMMARY:

State agencies shall allow licensed military spouses from states with reasonably similar education/training requirements to practice without a local license (that is, true recognition). However, this statute excludes professions regulated by the state athletic commission, the board of healing arts, the board for licensing hospitals, the stream pollution control board, the pest control board, the board of examiners for registered professional sanitarians, the board of examiners of miners, and the board of law examiners.

### RELEVANT LAW:

**Tenn. Code Ann. § 4-3-1304. Administration of regulatory boards – Notification of vacancy – Termination of regulatory board – Exemption from licensure requirements.**

- (a) Except as provided in § 68-115-103 relative to the Tennessee athletic commission, all state regulatory boards are attached to the division of regulatory boards, which is authorized to administer all the administrative functions and duties of the regulatory boards, except those discretionary regulatory duties and powers vested by law in the board members. The regulatory boards attached to the division are as follows:
- (1) Auctioneer commission;
  - (2) Board for licensing general contractors;
  - (3) Board of accountancy;
  - (4) Board of court reporting;
  - (5) Board of examiners for architects and engineers;
  - (6) Board of examiners for land surveyors;
  - (7) Board of funeral directors and embalmers;
  - (8) Commission on firefighting personnel standards and education;
  - (9) Motor vehicle commission
  - (10) Personnel recruiting services board;



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- (11) [Deleted by 2021 amendment.]
  - (12) Real estate commission;
  - (13) State board of cosmetology and barber examiners; and
  - (14) All other boards, commissions and agencies created to regulate professions, vocations and avocations in this state, except that there shall not be included the Tennessee athletic commission, the board of healing arts, the board for licensing hospitals, the stream pollution control board, the pest control board, the board of examiners for registered professional sanitarians, the board of examiners of miners or the board of law examiners.
- (b) Each regulatory board incurring a vacancy shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the state regulatory boards attached to the division of regulatory boards shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If such sufficient information has been provided and such board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, such board shall report to the house of representatives and senate government operations committees why such vacancies have not been filled.
- (c) If more than one half ( $\frac{1}{2}$ ) of the positions on any state regulatory board are vacant for more than one hundred eighty (180) consecutive days, such state regulatory board shall terminate; provided, that such board shall wind up its affairs pursuant to § 4-29-112. If a state regulatory board is terminated pursuant to this subsection (c) it shall be reviewed by the evaluation committees pursuant to the Uniform Administrative Procedures Act, compiled in chapter 5 of this title, before ceasing all its activities. Nothing in this section shall prohibit the general assembly from continuing, restructuring, or reestablishing a state regulatory board.
- (d)
- (1) As used in this subsection (d):
    - (A) “License” means a permit, approval, registration, or certificate issued by a state agency and held by an individual person. The term “license” as used in this subsection (d) excludes licenses issued to business entities, firms, physical locations, and supervisory personnel;
    - (B) “Member of the armed forces” means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102; and
    - (C) “State agency” means a state board, agency, commission, or any other entity attached to the division of regulatory boards, as listed in subsection (a).



- (2) Notwithstanding any other exemption from licensure requirements, the following persons may engage in the practice of an occupation or profession regulated by a state agency under titles 16, 46, 55, 62, and 68 without being licensed pursuant to that title:
- (A) A member of the armed forces while the person is stationed within this state if:
    - (i) The person holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction having reasonably similar standards for licensure;
    - (ii) The license is current and the person is in good standing in the state or jurisdiction of licensure;
    - (iii) The person agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and
    - (iv) The person provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice; and
  - (B) The spouse of a member of the armed forces while the member is stationed in this state if:
    - (i) The spouse holds a valid license to practice the regulated occupation or profession issued by another state or jurisdiction having reasonably similar standards for licensure;
    - (ii) The license is current and the spouse is in good standing in the state or jurisdiction of licensure;
    - (iii) The spouse agrees in writing to subject themselves to the jurisdiction of the state agency with respect to harms or violations of statutes and rules; and
    - (iv) The spouse provides notice by registering with the state agency administering the profession in which the person is licensed in the other jurisdiction to practice.
- (3) A person who holds a valid license to practice an occupation or profession in another state or jurisdiction and practices in this state pursuant to this subsection (d) must apply for the license in this state either prior to its expiration in the other state or jurisdiction or within one (1) year of the date the person began practicing in this state, whichever occurs first.
- (e) The commissioner and each regulatory board shall, upon application for certification or licensure, accept military education, training, or experience completed by a person toward the qualifications to receive a license or certification if such education, training, or



experience is determined by the commissioner or board to be substantially equivalent to the standards of this state.

(f)

- (1) Notwithstanding any other law to the contrary, the license, certification or permit issued by a board, commission or agency attached to the division of regulatory boards of any member of the national guard or a reserve component of the armed forces of the United States called to active duty that expires during the period of activation shall be eligible to be renewed upon the licensee being released from active duty without:
  - (A) Payment of late fees or other penalties;
  - (B) Obtaining continuing education credits when:
    - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the appropriate regulatory board; or
    - (ii) The person performs the licensed or certified occupation as part of such person's military duties and provides documentation to the appropriate regulatory board; or
  - (C) Performing any other act typically required for the renewal of the license or certification.
- (2) The license, certification or permit shall be eligible for renewal pursuant to subdivision (f)(1) for six (6) months from the person's release from active duty.
- (3) Any person described in subdivision (f)(1) shall provide the regulatory board which issued the license, permit or certification such supporting documentation evidencing activation as may be required by the regulatory board prior to the renewal of any license pursuant to this subsection (f).

