

Views and hyperlinks expressed herein do not necessarily represent the views of The Judge Advocate General, the Department of the Air Force, or any other department or agency of the United States Government. The inclusion of external links and references does not imply any endorsement by the author(s), The Judge Advocate General, the Department of the Air Force, the Department of Defense or any other department or agency of the U.S. Government. They are meant to provide an additional perspective or as a supplementary resource.

MORE THAN A DEPENDENT

Legal Professionals Advocating For Legislative Changes For Professional Military Spouses Employment

BY LIEUTENANT COLONEL CHARLTON J. MEGINLEY

Military spouses are more likely than other workers to be caught up in this country's patchwork of occupational licensing laws, both because they are more likely to move across State lines and because they are disproportionately employed in occupations that require a license.

PCS "PENALTY" FOR MILITARY SPOUSES

"I have to get another license." For many military spouses who hold professional licenses, these six dreaded words are often uttered when notice of a permanent change of station (PCS) arrives, and rarely are these six words said with excitement or joy. The reality many military spouses with professional licenses face, having to secure a new license in another state, makes military moves even harder. For those spouses, having to quit their job, take another licensure test, wait for the results, and then search again for employment, makes the military lifestyle too much to handle. In turn, military families face a dilemma: is the military member's career worth the stress, the loss of income, and aggravation of having to address spousal employment every two to three

years? For many, the answer is no. In turn, is the Department of Defense (DoD) positioning itself to lose valued service members if it does not take a strong interest in this dilemma? Arguably, the answer is yes. While some states have made proactive statutory changes to make PCS transitions easier on military spouses, there is still significant progress that needs to be made. While there are ethical bounds that must be respected, DoD officials and particularly judge advocates need to have stronger engagement with state and local officials to bring to light spousal employment and the impact spousal employment could have on national security. Short-term solutions include enacting favorable laws on temporary licensure and reciprocity; long-term solutions include interstate compacts. Furthermore, DoD officials

must also address internal solutions, such as longer tours for families and meaningful spousal preference in government positions, to assist spouses. These issues will be addressed in this article.

Short-term solutions include enacting favorable laws on temporary licensure and reciprocity; long-term solutions include interstate compacts.

TRULY A DEPENDENT – THE FACTS BEHIND MILITARY SPOUSAL EMPLOYMENT

Military spousal employment—and unemployment—has been gaining significant attention amongst military and civic leaders. Recently, the United States Chamber of Commerce conducted a study on military spouses in the workplace.[1] The findings were disheartening. The study found:

- Unemployment rates for military spouses range from 20% to 25%.[2] 67% of spouses have had to quit a job because of their spouse’s military service; 65% of spouses said it took four or more months to find a job; another 29% said it took 4-6 months.[3]
- Military spouses are 92% female.[4] Approximately ½ of military spouses are over 30 years old. 41% of military spouses have children. 15% of military spouses have a postgraduate degree; 34% have a college degree.[5] Spouses with greater education attainment appear to struggle more than spouses with a high school degree or some college.[6] Further, 41% of spouses stated the greatest challenge was employers not wanting to hire them because they may move in the future; 28% stated they had difficulty explaining time gaps on their resume.[7]
- Moves between duty stations play havoc on careers. “Not only do most spouses have to quit jobs because of a military move, they face long periods of unemployment” after the move.[8] On average, military

spouses are unemployed for some amount of time after a military move.[9] Not surprisingly, “the lack of equal economic opportunity for military spouses creates financial challenges and influences a family’s decision to stay in or leave the military.[10] “The issue of military spouse employment profoundly impacts military readiness and our nation’s ability to recruit and retain an all-volunteer force.”[11]

The data presented by the U.S. Chamber of Commerce presents a bleak picture for spouses,[12] and yet, for those military spouses who face employment issues every two to three years, none of this comes as a surprise. The Chamber of Commerce study is not an anomaly. In May 2018, The Council of Economic Advisers issued a report entitled, “Military Spouses in the Labor Market,”[13] with many of its findings tracking the U.S. Chamber of Commerce findings. Additionally, on the issue of military spouses who require a license to work, The Council of Economic Advisers states:

Occupational licensing regimes in each State impose additional barriers to labor market participation, and a new resident must clear these hurdles before commencing work. Military spouses are more likely than other workers to be caught up in this country’s patchwork of occupational licensing laws, both because they are more likely to move across State lines and because they are disproportionately employed in occupations that require a license. The Bureau of Labor Statistics estimates that 22 percent of all workers required a government license to do their job in 2016, while 35 percent of military spouses in the labor force worked in occupations requiring a license or certification (U.S. Department of Treasury and U.S. Department of Defense 2012). Moreover, military families move much more frequently than civilian families, including across State lines, where military spouses face the potential for relicensing at every interstate move. The 2016 ACS survey indicates working age military spouses were seven times as likely to move across State lines in the United States as the civilian noninstitutionalized working age population in general.[14]

The Council’s findings essentially exposed a “military spouse penalty”—even when employed military spouses can be expected to lose as much as \$190,000 over a 20-year military career (approx. \$12,300 a year).[15] Further, even in states with favorable spousal policies, rules on licensing reciprocity, expedited licenses, and portability increased the confusion for spouses where only 40% of states publicized “information about military spouse licensure on their websites and a majority of customer service representatives [were] unaware of the relevant legislation.”[16]

CONGRESSIONAL INVOLVEMENT

Congress has also identified military spousal licensure as an issue of concern and taken certain steps. As part of the 2018 National Defense Authorization Act (NDAA) for Fiscal Year 2018, Congressional leaders directed the Secretaries of Defense (DoD) and Homeland Security (DHS) to work with States to “identify barriers to the portability between States of a license, certification, or other grant of permission held by the spouse of a member of the Armed Forces to engage in a particular activity in a State” and to develop recommendations to expedite the portability of licenses, certifications, and other grants of permission for military spouses.[17] Further, Congress requested recommendations as to the feasibility of reciprocity, temporary licensure, and expedited review processes for military spouses. Finally, Congress passed legislation that allows military spouses to claim up to \$500 of licensure expenses on a PCS voucher in the 2018 NDAA.[18]

In March 2018, at the above direction of Congress, the DoD and DHS released their “Report on the Barriers to Portability of Occupational Licenses Between States.” For those who have lived with the issue of military spousal licensure, the findings of this report were no surprise. The report found,

The career experiences of Service members draw them to stay in the military, and to a similar degree, the spouses’ careers can be a source of mitigation for the hardships they endure. Additionally, careers provide for present and future financial stability for the military family. Sustaining these careers is difficult

and the lack of portability of professional licenses exacerbates this difficulty.[19]

The report specifically found that,

Barriers to the transfer and acceptance of certifications and licenses that occur when state rules differ can have a dramatic and negative effect on the financial well-being of military families. Military spouses routinely lose 6 to 9 months of income during a military move as they try to reinstate their careers.... Differences in licensure requirements across states limit advancement or deter re-entry into the work force at a new location. Removing these barriers, creating reciprocity in licensing requirements, and facilitating placement opportunities can help a military family’s financial stability, speed the assimilation of the family into its new location, and create a desirable new employee pool for a state (especially in education and health care).[20]

The report also included testimony from spouses across all professional fields identifying the hassles, difficulties, additional requirements, and expense of obtaining a new license every time the military family moved. The report listed a series of recommendations, which includes “implementing the laws and policies already approved and approving licensure compacts presented to the legislature by occupations.”[21]

A year later, the DoD presented a review on the obstacles to spousal licensure across the states. The review provided additional analysis, including: outlining the prevalence of military spouses in each state; the impact of employment of military spouses on each state’s economy; the economic impact of establishing licensing compacts or licensing boards to reduce licensing burdens; the benefits to each state by increasing occupational licensing reciprocity for military spouses; and the views of local businesses and industry on “facilitation or greater credentialing” for military spouses.[22] This comprehensive review noted the “delays resulting from State-specific requirements and occupational board review of

the substantial equivalency of the applicant's current license as potential obstacles.”[23]

RECENT STATE LEGISLATIVE ACTION

In reality, Congress recognized it could only do so much to give relief to military spouses, as licensure matters are largely a state issue. In February 2018, the Secretaries of the Army, Air Force, and Navy collectively signed a memorandum addressed to the National Governors Association, asking states to eliminate or mitigate the barriers that come with a military relocation[24] and those efforts appear to be having some effect.[25] More states are granting licensure by endorsement, granting reciprocity, issuing temporary licenses, and enacting expedited licensure procedures.

Arizona just passed the most sweeping legislation on occupational licenses, enacting “universal” licensure, making Arizona the first state to recognize occupational licenses from other states without having to obtain an Arizona-specific license.[26] The legislation was a “top priority” for Governor Doug Ducey, as 100,000 people move to Arizona every year, and with many of those people trained and certified in their careers, the Governor deemed it was foolish for them to face “daunting and unnecessary hurdles imposed by state government to start a job.”[27] The primary requirements under the Arizona House Bill 2569 is that the person moving into Arizona be in good standing with the state they are moving from and have been licensed in that state for at least a year.[28]

Prior to Arizona's legislation, **Utah** passed what may be the most dramatic legislation on military spousal licensure to date, exempting all licensure requirements for military spouses as long as the spouse's military member is stationed in Utah and the spouse holds a valid license in another state and is in good standing with that state.[29] Utah's law essentially places the burden on the spouse's potential employer to verify the spouse's professional licensure is in good standing. Admittedly, a concern with such expansive legislation is that consumers of various services don't have the checks and balances that normally come with licensure, specifically verification of educational and professional qualifications, as well as a standard background check. Nonetheless, for

military spouses, Utah's legislation makes the stress of finding a job significantly less.

For now, Arizona and Utah are outliers in the arena of military spousal licensure. However, many states have enacted reciprocity-like legislation, establishing favorable criterion designed to alleviate some of the issues spouses face. For example, **South Dakota** recently removed most barriers for military spousal licensure and certification, as well as application fees for both active duty members and their spouses who seek a professional licensure, so long as the licensee is stationed in South Dakota.[30] **Idaho** passed “licensure by endorsement” if the spouse possesses current, valid, and unrestricted licensure in another state.[31] In 2017, **Florida**, which already had a six-month temporary licensure law,[32] enacted into law a policy that requires boards to issue a license to a military spouse based on having a current license in good standing and a background check.[33]

While not as advantageous for military spouses, forty-two states have passed legislation that grant temporary licenses and 31 states have policies that expedite the licensure process to spouses.[34] **Colorado**, which was one of the first states to address spousal licensure, grants military spouses a year to seek licensure.[35] A current proposal in **North Dakota** would grant a two-year temporary licensure.[36] Like several other states, **Louisiana** has ceded temporary licensure issuance to professional licensure boards to make the decisions.[37] Yet, while a temporary period is better than no period, there are significant flaws to the perceived benefit of a temporary license. First, reviewing the University of Minnesota data, not every career field has a temporary licensure opportunity (the data fails to address many medical professionals and teachers). Second, temporary licensure generally falls short of providing actual relief to spouses. States that grant shorter temporary periods (such as four to six months) fail to recognize the issues that come with a PCS: moving from one house to another, settling into the new location, applying for a license, taking the test, and waiting for the results. Third, most temporary licensure is limited and not renewable[38]; anything less than six months is often not adequate. Additionally, many states, such as **Washington**, utilize an “expedited” process by prioritizing

spousal applications “so that they may begin employment as soon as possible after they submit their completed application.”[39] Yet, “expedited” is a misleading benefit, as a spouse may still have to go through the process of applying for, and passing a licensure exam. In its report on this issue, Congress found the “expedited” process for licensure to have limited benefit when viewed together with temporary licensure.[40] Congress concluded a temporary licensure and expedited processing “did not resolve the underlying concerns expressed by military spouses.”[41] Again, while better than nothing, temporary licensure and expedited processing are not long-term solutions.

INTERSTATE COMPACTS

DoD officials have also advocated for the implementation of Interstate Compacts. Interstate Compacts are “immutable contracts between states which, when codified in state law, can create an agreed upon set of standards and rules for multi-state initiatives,”[42] and allow states to maintain some control of a profession, while allowing for members of that profession to have mobility supported.[43] The key benefit of interstate compacts is *portability*: compacts support mobility while ensuring “public safety” through licensure requirements.[44] Interstate compacts are not military specific; but military spouses often reap the benefits of these contracts.

Arguably, one of the biggest interstate compact success stories is the Enhanced Nursing Licensure Compact (eNLC), which provides a cost effective way of allowing nurses the ability to quickly move across states’ borders, as well as facilitate telehealth services to patients. Thirty-three states have agreed to the eNLC with pending legislation in an additional nine states.[45] Currently, two million nurses live in eNLC states.[46] There are also compacts for those working in psychology, physical therapy, and emergency medical services.[47]

While there is a push for interstate compacts, some state occupational boards have resisted compacts, as they feel they will lose control over the licensure process. However, this is not necessarily true, as licensure boards still retain oversight over their respective professionals, regardless of where that licensee works.[48] As such, even though a state

may enter into a compact, the state still retains oversight of their professional licensing requirements, and in turn, the activities of the professionals working in their state. Mr. Marcus Beauregard, Chief of the DoD-State Liaison Office, further mentions, “If there is an infraction against their practice act, they can prohibit the professional from working in the state, and also have a responsibility to relay the information to the licensing state to take further administrative action.”[49]

Ultimately, Mr. Beauregard opined that compacts are very favorable to the military spouses, stating,

One of the underlying concepts (and benefits) of the compact approach is that military spouses are seen as professionals in the same standing as their peers. Individual state initiatives which provide the closest version of reciprocity essentially eliminate segments of the review process for military spouses and as a result apply different standards for military spouses. This may impact spouses in the long term, consequently, we see these kinds of licensing accommodations as improvements to the status quo but not as the final solution.[50]

As states recognize the changing mobility of American society, interstate compacts could become more commonplace and of benefit to military spouses. There is still much work to be done and while DoD officials can advocate for interstate compacts, states legislatures must be willing to see other states as equals in the licensure process for the betterment of professionals across state lines.

RECOMMENDATIONS FOR DOD AND STATES MOVING FORWARD

While many states have done their part to alleviate some of the obstacles that professional military spouses face in a PCS, the DoD should play a bigger role. In addition to spousal preference for government jobs, the DoD should consider reducing the number of PCSs for members. Many officers PCS every 2-3 years. At this pace, in a 20-year career, without reciprocity or a “compact,” a spouse would need to gain licensure in 7-10 states. Also, the DoD, subject to

mission-essential duties/requirements, should allow service members to provide input on spousal employment to their assignments branches, with the possibility of turning down or receiving alternate assignments without harm or repercussion to a member's career. Further, the DoD should consider a talent management plan that takes professional spouses into consideration, much like the plan for dual military spouses. Finally, when making future decisions on Base Closure and Realignment (BRAC), DoD authorities should consider what legislation/programs states have enacted for military spouses.

As for the states themselves, interstate compacts appear to be far more beneficial to military spouses than individual states licensure boards. The DoD should take a more active role with states in advocating the benefits of interstate compacts legislation that could provide greater protections and opportunities for DoD dependent spouses that move across state lines due to military orders. In the alternative, if a state is not receptive to a compact,^[51] reciprocal legislation should be enacted. Alternatively, if a state chooses not to grant reciprocity, states should consider other options from requiring military spouses to take a licensure or jurisprudence exam, such as a continuing education or online training. For instance, the requirement to take a jurisprudence exam is perhaps the single most important barrier to a pharmacist-spouse from expeditiously obtaining a license upon a PCS, as that spouse has to apply to take the National Association of Boards of Pharmacy. Simultaneously applying with the state they are moving to, and waiting for the results of the exam, is a process which could take months.

States should consider making it illegal for companies to discriminate against the hiring and employing military spouses, similar to the protections afforded to military members under the Uniformed Services Employment and Reemployment Act.^[52] Another consideration is to expand the "qualifying exigencies" for military families under the Family & Medical Leave Act (FMLA) to include PCS moves, preferably without forcing the employee to use paid time off (PTO) with the option to take unpaid time. For those spouses who need to have a required number of "supervised hours" (i.e., social workers, counselors), states should ensure

that hours earned in one state will be accepted for licensure in another state. Another option, recently broached in Illinois, is for licensure reciprocity within two years of a military retirement and final PCS, which would allow military spouses of just retired members to make their final PCS and have the ability to have a temporary license in their final "forever home." For many military families the roles often reverse upon military retirement, and the military spouse is the one that requires the stability. Affording them this ability to obtain a temporary license sets their families up for success.^[53]

States should enact limitations on how long it takes for the adjudication of a license, allow for an affidavit approach to licensure application attesting to the accuracy of the application (sparing licensees from having to provide school transcripts, letters of good standing from other states, etc), and eliminate or reduce application and licensure fees. Specifically to fees, as mentioned earlier, the 2018 NDAA authorized a reimbursement of up to \$500 for expenses related to a spouse having to obtain new licensure. However, when factoring transfer reciprocity fees, national board exams, continuing education classes, study materials, and the actual cost to take an exam, obtaining a new license can cost well beyond \$500. States should consider waiving reciprocity and application fees related to a PCS. Finally, states should have a provision to allow military spouses to hold "inactive" statuses for when they no longer live in a state where they are licensed due to a PCS, which would preclude the spouse from having to pay additional fees. It's not uncommon for a spouse to leave one state, only to return to that state later in their military spouse's career.

JUDGE ADVOCATE INVOLVEMENT AND FUNDAMENTALS OF ENGAGEMENT

Judge advocates are in a unique position to have a direct impact on military spousal issues. We have the ability to phrase issues, analyze data, and help write narratives as to why this is such a significant DoD issue. DoD officials, installation commanders, and local Staff Judge Advocate offices must be more involved. The obvious questions become what should be our level of involvement, and in what capacity. Fortunately, DoD leadership provides us direction:

in April 2018, Under Secretary of Defense for Personnel and Readiness, Ms. Stephanie Barna, issued guidance to military commanders on the issue of “communicating factual information or background information, or discussing the views” of state-level legislation to legislators, opining that such communication by DoD employees or military members is “generally legally permissible, provided it is done through official channels.”[54] So long as commanders and military officials keep this guidance in mind, there should be no issue under **DoD Directive 1344.10**, *Political Activities by Members of the Armed Forces*. Discussing with state and local officials the issue of military spousal employment would probably not be considered “partisan political activity,”[55] nor should there be an issue under **Air Force Instruction (AFI) 51-508**, *Political Activities, Free Speech, and Freedom of Assembly of Air Force Personnel*, as long as the member avoids any activity that may be “reasonably viewed as directly or indirectly associating the AF or DoD with a partisan activity or is otherwise contrary to the spirit and intention of the Instruction.”[56]

Active engagement is key. When engaging with state officials on this issue, **AFI 35-105**, *Community Relations*, states Air Force leaders should have “open, timely and honest dialogue” with community and opinion leaders and that “community outreach enables community leaders to understand Air Force missions and priorities through direct personal contact and dialogue with Air Force personnel, and to convey community leaders’ understanding to broader community audiences and opinion leaders.”[57] As for the wear of uniform at any engagement, since having open, timely, and honest dialogue with community and opinion leaders is “official business” for Air Force leaders, it makes sense that Air Force leaders could wear their uniform at an event or meeting. Admittedly, there is concern about furthering political activities when it comes to engaging with political officials. **AFI 36-2903**, *Dress and Personal Appearance of Air Force Personnel*, para. 1.4.6, states that Air Force members may not wear the uniform “[w]hile furthering political activities, private employment or commercial interest.”[58] AFI 36-2903 also states that Air Force members may not wear the uniform “[w]hen it

would discredit the Armed Forces.”[59] Nonetheless, if a commander or military member wore their uniform at this event, it is unlikely it would discredit the Armed Forces when: wearing the uniform to bring attention to spousal issues is appropriate and in good taste; commanders volunteer to go; there is no additional cost to the government; there is no interference with military duties; and community engagement is served. Ultimately, as long as DoD officials avoid lobbying or advocating for certain provisions or positions, engagement with local officials concerning military spousal licensure should not violate ethical or other rules of engagement.

CONCLUSION

Professional military spouses are more than dependents. Many have more education, higher earning potential, and job satisfaction than their military spouse. Yet, most are often forced to quit their job and start over in the new PCS location. Rarely does a military spouse find employment immediately upon arrival to their new duty station, and when many spouses finally interview, the gaps in employment make it difficult to explain to potential employers. Further, many companies are reluctant to hire military spouses because the cost of investment may not be worth it to the company when the military spouse may have to leave two or three years after arriving at the new duty location. As more attention focuses on the issue of military spousal employment, most states are taking proactive approaches. However, whether it be temporary licensure, licensure by endorsement, or forcing employers to undertake the burden, there are still limits and obstacles to accommodating military spouses, such as time delays, unnecessary fees, and cutting out bureaucracy. Most of the significant laws related to this issue still require spouses to jump through hoops to get a permanent license, falling short of reasonable requirements needed to help military spouses. The realities for many military families is that military spouses are frequently out of work due to preparing for or recovering from a military PCS. Legislation that allows spouses to have minimal gaps in employment would allow the military to retain more families through a career full of moves and transitions

ABOUT THE AUTHOR

Lieutenant Colonel Charlton J. Meginley, USAF

(B.A., University of Louisiana at Monroe; J.D.- B.C.L., Louisiana State University; Master of Military Operational Art and Science, Air Command and Staff College) is currently the Staff Judge Advocate, 62d Airlift Wing, Joint Base Lewis – McChord, WA. He is licensed to practice in Louisiana.

The author thanks Mr. Marcus Beauregard for his valued contributions to this article. Mr. Beauregard is the Chief of the DoD-State Liaison Office (DSLO) within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy. Together with a Senior Liaison and 8 Regional Liaisons, he works with state governments on a slate of key issues important to service members and their families. **Additionally, the author thanks Ms. Tammy Perreault**, Defense-State Liaison Office, who also provided resources on this issue, **Maj Meghan Smorol (USAFR)**, who has worked tirelessly with Illinois officials on this issue, and contributed to this article, and **Capt Allison Johnson** who provided ethics research.

EXPAND YOUR KNOWLEDGE:

EXTERNAL LINKS TO ADDITIONAL RESOURCES

- **Veterans:** Military Spouse Interstate License Recognition Options
- **Military One Source:** Managing Your Career as a Military Spouse During a PCS
- **Federal News Network:** The secret lives of military/federal spouses
- **Military Times:** Helping military spouses with professional licensing costs after PCS moves
- **Military Families Learning Network:** Unemployment Benefits for Military Spouses after a Permanent Change of Station
- **MOAA:** What Military Spouses Need to Know About Recent Changes to Federal Hiring
- **USA Jobs:** Hiring Path

ENDNOTES

- [1] U.S. Chamber of Commerce Foundation, *Military Spouses in the Workplace – Understanding the Impacts of Spouse Unemployment on Military Recruitment, Retention, and Readiness* (June 2017), <https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf> (last visited Aug. 23, 2019). See also The Council of Economic Advisers, *Military Spouses in the Labor Market* (May 2018), <https://www.whitehouse.gov/wp-content/uploads/2018/05/Military-Spouses-in-the-Labor-Market.pdf> (Accessed Aug. 23, 2019).
- [2] *Id.* at 2. This number varies. According to Blue Star Families, it is around 18%. See, *Blue Star Families: Challenges Facing Our Military Spouses*, https://bluestarfam.org/wp-content/uploads/2018/09/BSF_final_Milspouse_Unemployment_infographic.pdf (Accessed Aug. 23, 2019).
- [3] *Id.* at 9.
- [4] *Id.* at 5.
- [5] *Id.*
- [6] *Id.* at 8.
- [7] *Id.* at 10.
- [8] *Id.* at 8.
- [9] *Id.* at 8.
- [10] *Id.* at 2.
- [11] *Id.*
- [12] Additional findings noted that military moves often come with little or no notice. 49% of military spouses reported that they had less than 3 months to prepare for a move; 11% reported they had less than a month. Location of bases in rural areas may cause additional career challenges specific to rural or remote locations (*Id.* at 6). 81% of military families have discussed leaving military service due to career opportunities for both spouses (*Id.* at 13). Finally, 61% of spouses said that deployments create the greatest stress on the family, 47% stated finding work/managing their career was the greatest stress (*Id.* at 14)
- [13] The Council of Economic Advisers, *Military Spouses in the Labor Market* (May 2018), <https://www.whitehouse.gov/wp-content/uploads/2018/05/Military-Spouses-in-the-Labor-Market.pdf> (Accessed Aug. 23, 2019).
- [14] *Id.* at 4.
- [15] *Id.* at 3.
- [16] *Id.* at 5, citing REACH, *Military Spouse Licensure Portability Examination State Report*, University of Minnesota (Nov. 2017), at 1.
- [17] NDAA of FY 2018 (PL 115-91, Section 556(b)). This report was completed in March 2018.
- [18] NDAA of FY 2018 (PL 115-91, Section 556(a))
- [19] Department of Defense and Department of Homeland Security, *Report on the Barriers to Portability of Occupational Licenses Between States*, (Mar. 2018), p. 1. [hereinafter “Report on Barriers to Portability”] (The report itself is only 20 pages long. However, the appendices provide a wealth of information on military spouse demographics, current spousal licensure laws, and the physical therapy licensure compact.)
- [20] *Id.*
- [21] Report on Barriers to Portability, *supra* note 19, p. 19.
- [22] Department of Defense, *Review of Existing Obstacles to Greater Military Spouse Licensure and Credentialing Portability Across the States*, (Mar. 2019), p.2.
- [23] *Id.* at 2-3.
- [24] *Memorandum for the National Governor’s Association*, Feb. 23, 2018, <https://media.defense.gov/2018/Feb/23/2001881660/-1/-1/1/Military-Family-School-Consideration-and-Professional-Licensure-Reciprocity.pdf>
- [25] Two sources to find how a state has addressed this issue are Military OneSource’s Military State Policy Source found at <https://statepolicy.militaryonesource.mil> and the US Department of Labor’s Military spouse License Recognition Options, found at https://www.veterans.gov/milspouses/military_spouse_txt.htm.
- [26] Office of the Governor, Doug Ducey, *Arizona Becomes First State to Establish Universal Recognition of Occupational Licenses*, Apr. 10, 2019, <https://azgovernor.gov/governor/news/2019/04/arizona-becomes-first-state-establish-universal-recognition-occupational> (Accessed Aug. 23, 2019).
- [27] *Id.*

- [28] AZ RS: 55 § 34-4302. Out-of-state applicants: residents: military spouses: licensure: certification: exceptions (also known as Arizona House Bill HB 2569, 2019). Reviewing the new legislation with the prior statute, there was little change for military spouses, with the exception that military spouses with more than one year of experience can be licensed under this provision without being supervised by a licensed provider (it had been five years).
- [29] Utah Code Ann. § 4-1-111 1953 (S.B. 227, 2018 General Session). The change in the law also exempted military spouses from having to pay licensure fees in the event the spouse seeks a license. Of note, the law does not include non-state regulated actors, specifically the Utah Bar Association. Spouses still need to identify themselves to the prospective employer as a military spouse, provide military orders, license, and job application.
- [30] S.D. Codified Laws § 36-1B-1 (2019); see also S.D. House Bill 1111. HB 1111 requires boards to issue a license within 30 days of receiving a *completed application*. The previous law required boards to issue a temporary license if the permanent license could not be provided in 30 days. HB 1111 eliminates South Dakota's former temporary license provision. Nonetheless, under the current law, it could still take a spouse two to three months to secure a license as part of the application process.
- [31] Idaho Code Ann Code, 93 § 67-9306 (House Bill No. 248). Of note: there is no definition on what boards are required to do to provide this endorsement, potentially making this "licensure by endorsement" an empty vessel.
- [32] FL Stat. § 23: 456.024, Health Professions and Occupations: General Provisions
- [33] FL Stat. § 23: 455.02, Licensure of members of the Armed Forces in good standing and their spouses or surviving spouses with administrative boards or programs. The Florida Department of Business and Professional Regulation has confirmed that they actually issue licenses with this minimal level of scrutiny. The only other document they request is a copy of the practice act from the state issuing the license (Information courtesy of Mr. Marcus Beauregard). Note: this law does not apply to every profession, see § 20: 20.165, Department of Business and Professional Regulation.
- [34] Report on Barriers to Portability, *supra* note 19, p. 10.
- [35] Co. Rev. Stat. § 12-71-101 (Definitions), 12-71-102 (Authority to practice – reciprocity)
- [36] Bill currently in progress. See, First Engrossment, Engrossed Senate Bill No. 2306, Sixty-six Legislative Assembly of North Dakota, North Dakota Century Code, § 43-51-11.1. This bill also requires that the spouse have two years working in the profession out of the past four in order to qualify, which could impede the benefit of the law for military spouses who may not have had an opportunity to work at the last duty station. Additionally, two years seems odd for a temporary license.
- [37] La. Rev. Stat. Ann. § 37:3651. For instance, the Louisiana Board of Pharmacy issues only four month temporary licenses. Also, the provisions of this section do not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.
- [38] Report on Barriers to Portability, *supra* note 19, p. 11.
- [39] REACH, *Military Spouse Licensure Portability Examination State Report*, University of Minnesota (Nov. 2017), at 2.
- [40] Report on Barriers to Portability, *supra* note 19, p. 11.
- [41] *Id.*, at 12.
- [42] *Id.*, at 14.
- [43] Department of Defense. "Interstate Compacts to Support License Portability." (undated)
- [44] Report on Barriers to Portability, *supra* note 19, p. 17.
- [45] Nursecompact.com. (2019). [online] Available at: https://nursecompact.com/Updated_onepaged_NLC.pdf [Accessed 7 Oct. 2019]. See also, Nurse.org (2019). *Updated Map: Enhanced Nursing Licensure Compact (eNLC) July 2019* [online]. Available at: <https://nurse.org/articles/enhanced-compact-multi-state-license-eNLC/> (Accessed 3 Jul. 2019).
- [46] Ncsbn.org. (2019). [online] Available at: www.ncsbn.org/NLC_Fast_Facts.pdf. (Accessed 31 Mar. 2019)
- [47] Statepolicy.militaryonesource.mil. (2019). *Military State Policy Source*. [online] Available at: <https://statepolicy.militaryonesource.mil/key-issue/interstate-compact-to-support-license-portability> [Accessed 7 Oct. 2019]. While not specifically a compact, as for military spouse attorneys, according to Military Spouse J.D. Network, 37 jurisdictions have military spouse licensing accommodations. "Licensing accommodations" include bar membership without having to take another state's bar and reduction of barriers to employment for military spouses. See Military Spouse J.D. Network, www.msjdn.org. (Apr 1, 2019)
- [48] Interview with Mr. Marcus Beauregard, Chief of the DoD-State Liaison Office (DSLO) (Apr. 10, 2019).
- [49] *Id.*
- [50] *Id.*
- [51] Shawna Sowersby, *Washington misses chance to streamline moves for out-of-state nurses, some say*, The News Tribune, Mar. 5, 2019, <https://www.thenewstribune.com/news/local/article227087114.html> (Accessed July 8, 2019).
- [52] See WA House Bill 1812, Sixty-six Legislature, 2019 Regular Session, <http://lawfilesexp.leg.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/1812.pdf>. This bill did not pass.

- [53] Smorol, M. (2019). RE: FW: Mil Spouse Licensure (UNCLASSIFIED). [email].
- [54] Stephanie Barna, Office of the Under Secretary of Defense. *DoD Key Issues Supporting Service Members and Families for 2019*, Apr. 23, 2018.
- [55] U.S. Dep't of Def., Dir. 1344.10, Political Activities by Members of the Armed Forces, Encl 2 (19 February 2008). Partisan political activity is considered "Activity supporting or relating to candidates representing, or issues specifically identified with, national or state political parties and associated or ancillary organizations or clubs."
- [56] U.S. Dep't of Air Force, Instr. 51-508, Political Activities, Free Speech, and Freedom of Assembly of Air Force Personnel, para 2.4.3 (12 October 2018).
- [57] U.S. Dep't of Air Force Instr. 35-105, Community Relations, para 10.2 (23 June 2017).
- [58] U.S. Dep't of Air Force Instr. 36-2903, Dress and Personal Appearance of Air Force Personnel, para 1.4.6 (15 April 2019).
- [59] *Id.* at, para 1.4.4