Licensure Portability for Military Families

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During World War II, the entire nation was at war. Nearly 16 million Americans served in the military, and the home-front war effort encompassed all citizens to some capacity. Consequently, most Americans lived with the war regardless of military status. In stark contrast, less than one percent of the population serves on Active Duty in today’s all volunteer military. The fact that only a small fraction of the US population now serves in the military often has the unintended consequence of rendering issues impacting military members and their families as invisible to most Americans. Surveys conducted by Pew Research indicate that 77% of Veterans and 71% of the public share the viewpoint that the public does not understand the problems impacting those in the military.

One such issue that has profoundly impacted and harmed military families for decades is related to state-regulated professional licensure and certificate requirements. When military families are forced to relocate across state lines in response to military orders, military spouses requiring licensure for their profession can face unemployment, and 35% of military spouses are in professions requiring licensure. In addition, relocation due to military orders occurs, on average, every 1 to 3 years. Some military spouses in this situation obtain lower paying employment outside of their profession, resulting in a significant loss of income for the military family. Military spouses unable to obtain employment within their professions are setback in their career aspirations, and this unfortunate circumstance also creates professional work history employment gaps.

Military spouses attempting to transfer licensure to the state of relocation can face significant barriers which could be a combination of any of the following: being required to pay for and take additional classes, having to retake licensure exams, and fees for licensure transfer. When licensure transfer was granted, this process often took months, delaying military spousal professional employment. Ultimately, states retained the authority to deny licensure transfer requests, creating an insurmountable problem for some military spouse professionals.

Former First Lady Michelle Obama put a spotlight on this very issue and advocated for legislative change to help military families by expediting the licensure transfer of professional licenses for military spouses. Obama encouraged all states to make similar legislative changes, and by 2016, a White House press release announced that all 50 states had addressed the issue “in some way,” while also acknowledging gaps indicating that this important legislative work could be further improved.

This commentary is written as a dedication to the Cadre of the Army Medical Department Direct Commission Course at Fort Sill, Oklahoma. This author attended this military school in 2022 and had conversations with members of Cadre who shared that their spouses were teachers prohibited from working in their profession. Clearly, some military spouses continue to encounter insurmountable barriers working in their profession when military orders result in relocation to another state even though all states had addressed this issue “in some way.”

Blessedly, a new provision in the Servicemembers Civil Relief Act (SCRA) appears to be the solution to this licensure problem encountered by military family members. On July 13, 2023, the Department of Justice sent a letter to all state licensing authorities notifying them that under SCRA, service members and their spouses can use their current

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4 The views expressed in this material are those of the author and do not reflect the official policy or position of the U.S. Government, the DVA, the DoD, or the Department of the Army.
5 Prior to the recent passage of a new provision within the Servicemember Civil Relief Act (SCRA), military spouses had difficulties with professional licensure transfer upon relocating across state lines in response to spousal military orders. It’s projected that this new provision will reduce the unemployment rate of military spouses as well as increase the percentage of military spouses employed in their area of education or training. Future research should both monitor the impact that SCRA has on military spousal employment, as well as additional barriers encountered by military spouses in obtaining professional employment during relocation in response to spousal military orders.
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professional licenses and certificates in certain circumstances when relocating in response to military orders.\(^8\)

In order to meet this provision within SCRA, the following five conditions must be met: (1) Service member/spouse must have relocated outside the jurisdiction of their professional licensure in response to military orders, (2) Service member/spouse provided the licensure authority in new jurisdiction with a copy of military orders, (3) Service member/spouse must have actively used the license or certificate within the 2 years proceeding relocation, (4) Service member/spouse must be in good standing with the licensure board that issued the license or certificate as well as every other licensing authority that has issued a license or a certificate, and (5) Service member/spouse must comply with the licensure authority in new jurisdiction in relation to standards of practice, discipline, and fulfilling continuing education requirements.\(^8,9\) This new provision within SCRA covers all professions, except for practicing the law.\(^8\)

Previous efforts encouraged state licensing authorities to consider the needs of military families and adapt changes to make it easier for military spouses to be licensed within the new area of jurisdiction upon relocating across state lines in response to military orders. Now, under SCRA, licensure portability for military spouses is the law.\(^8\) Since it’s the law, military families now have recourse. If state licensing authorities fail to comply with stipulations set forth in SCRA, military families can use military assistance legal services; those not eligible for military assistance legal services can request that the Justice Department review their claim.\(^8\)

Licensure portability for military families is long overdue and, certainly, well-deserved by America’s military families. Licensure portability under SCRA appears to be what former First Lady Michelle Obama envisioned and fought for more than a decade ago. Research should be conducted to ensure that this new provision within SCRA is effective. Moving forward, future research should analyze data to see what impact SCRA has on reducing the current 21% unemployment rate of military spouses.\(^10\) Currently, only 62% of military spouses are employed in their area of education or training\(^10\); determining if this rate rises under SCRA is recommended. Any continued barriers that military spouses experience in relation to licensure portability must be continuously studied; this new provision in SCRA is wonderful, but the need to strengthen SCRA through amendment(s) won’t be realized unless its outcomes are monitored.

Prior to SCRA, issues with licensure across state lines uniquely impacted military families, but some of the problems caused by this situation may have had broader societal implications. Some of the correlates of financial strain and/or poverty include marital discord\(^11\) and child maltreatment and abuse.\(^12\) It would be wise to determine if the reduction of financial strain and/or poverty achieved through SCRA has positive impacts in the realms of divorce, as well as child abuse and maltreatment, in military families. An estimated 20 percent\(^13\) to over 33 percent\(^14\) of military families report spousal employment challenges as a reason for leaving active duty service, directly impacting military retention and potentially compromising national security. Hopefully, licensure portability under SCRA will aid in military retention, another focal point for future research. Although issues with licensure portability uniquely impact military families, all Americans should care about licensure portability and its impact on military families, as well as on our nation as a whole.

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