Department of Health Professions

DIRECTOR'S POLICY # 76-1.12

Extension of time for active duty servicemen or spouses

Effective Date: March 26, 2015

Approved By: _____

David E. Brown, D.C., Director

Purpose: To ensure agency compliance with § 54.1-117, as amended in 2011. *Expiration of documents issued to persons in diplomatic service and the armed services of the United States.*

Notwithstanding any contrary provision of law, any license, permit, certificate, or other document, however styled or denominated, that is related to the practice of any business, profession, or calling and issued under this title to any citizen of the Commonwealth shall be held not to have expired during the period of such person's service outside the United States, in the armed services of the United States or as a member of the diplomatic service of the United States, appointed under the Foreign Service Act of 1946, serving outside the United States and 60 days thereafter. However, no extension granted under this section shall exceed five years from the date of expiration of the document. The provisions of this section shall apply to the spouse of a member of the armed services of the United States if the spouse accompanies the member during periods of service outside of the United States.

For the purposes of this section "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Policy:

To make arrangements as necessary to ensure that persons serving on active duty as a member of the military or in the foreign service outside the United States or their spouses are accorded the benefit of an extension of time for any deadline or requirement pertaining to renewal of a license, certification or registration. Extensions should be granted for at least 60 days after the person's return to the United States, not to exceed five years from the date of expiration. For the purpose of this policy, "licensee" shall include certificate holders or registrants; and "license" shall include a certificate, registration or permit.

Procedure:

1. The executive director of each health regulatory board should ensure that the benefit is adequately publicized by inclusion of information on websites, newsletters or other means of communication.

2. All staff who process renewals or audit continuing competency requirements should be aware of the policy to assist licensees who may be eligible for this benefit.

3. A copy of military orders or form DD214 placing the licensee on active duty outside the United States shall be considered sufficient documentation to determine eligibility. A request for the extension of renewal fee/continuing education should include the projected return date to the United States.

4. If the spouse of a member of the armed services accompanies the member during periods of service outside the United States, the extension may also apply. Proof that the spouse has accompanied the member outside the United States must be provided.

5. If a licensee qualifies for the extension, staff of the boards should contact Data staff to assist with modification of the licensee's record in L2K to ensure that the license is maintained as active and current beyond the renewal date through the period of the assignment outside the U.S.

6. To maintain the ordinary renewal cycle for the licensee and give the benefit to the licensee, the license should be made current until the next renewal date beyond the expected date of return *even if the renewal date is beyond 60 days after the return to the U. S.* Renewal fees for previous renewal cycles are not owed to the board, and continuing education requirements are waived for the renewal cycles in which the licensee was outside the U.S. For example:
Capt. Jones left on assignment in Germany in June 2012. He expects to return to the U.S. in June 2015; his license should be made current until the next renewal date of Dec.2015. He does not pay the renewal fees that were due in Dec. 2012, Dec. 2013 or Dec. 2014; nor is he responsible for continuing education for those 3 renewal cycles.

7. If a licensee voluntarily pays renewal fees, the board may accept such payment. A refund is not necessary. However, if it is determined that any person who meets the criteria set out in § 54.1-117 has improperly been charged a late fee or required to reinstate a license, that person is eligible for a refund from the agency. Staff must submit a refund request to Finance to complete re-payment.