25.1374.01000

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2395

Introduced by

Senator Hogue

A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to uniform licensure and board operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 43 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Applicant" means an individual who has submitted a completed application, including all documentation and fees necessary for the board to consider licensing the individual.
2. "Application" means the process and all required documentation necessary for the board to consider licensure of the applicant.
3. "Board" means a board, commission, or other agency of state government created or identified in this title to regulate a particular occupation or profession, the education standards and practices board, and the state board of law examiners.
4. "Effective interstate compact" means the minimum number of states necessary for the interstate compact to become operative have enacted the interstate compact.
5. "Interstate compact" means a legislative enactment to recognize and facilitate the portability of occupational licenses across state lines.
6. "License" means the authorization by a board to practice an occupation or profession under state law or any other authority by which individuals are licensed in the state.
7. "Occupation or profession" means activity for which a license is required from a board or similar activity for which a license is required in another state or jurisdiction.

8. "Out-of-state licensee" means an individual who holds a license, certificate, permit, or similar authorization to practice an occupation or profession, which is issued by a government agency in another state or jurisdiction in the United States which imposes requirements for obtaining and maintaining the license, certificate, or permit, which are comparable to the requirements imposed in this state to obtain and maintain a license to practice the same profession or occupation.

9. "Routine application" means an application that meets all the requirements for licensure with no derogatory or adverse information in the application.

Uniform Licensure.

Unless the state is part of an effective interstate compact, an executed license transfer, or reciprocity agreement with another state, a board shall issue a license to an out-of-state licensee applicant to practice in this state if, upon application to the board, the applicant:

1. Actively has used the license for two of the three years immediately preceding submitting an application under this section;
2. Provides or demonstrates competency and education in the profession or occupation through methods determined by the board:
3. Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license to practice that profession or occupation in this state unless the board determines, in its discretion, the act is not an impediment to the granting of a license to practice in this state;
4. Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years;
5. Is not under an active investigation by another licensing authority or law enforcement authority in a state, federal, or foreign jurisdiction;
6. Submits to a state and federal criminal background check, paid for by the applicant, and conducted in the manner provided under section 12-60-24 if required by the board and the board has statutory authority to repeat the background check; and
7. Pays the fees established by the board.

Board operations.

1. A board shall issue a license within seven business days to an individual who submits a complete, unencumbered, routine application. This section does not apply to

processing applications through an effective interstate compact or an executed license transfer agreement. Boards subject to an effective interstate compact shall issue a license in a timely manner.

2. A board may grant authority to staff or selected board members to issue a provisional or temporary license between board meetings to an applicant seeking permanent state licensure if the application is routine, complete, and meets all the requirements for licensure. To the extent this provision conflicts with any existing limitations on such delegated authority, this provision supersedes those limitations.

3. The licensing application form must be made available electronically.

4. As part of a complete application, a board may require an individual seeking licensure in this state to pass a jurisprudence examination on North Dakota law applicable to the licensed profession. If the examination is a requirement for licensure, the examination must be made available at least once per month. The board may adopt limits on examination attempts.

5. By July thirty-first of each year, on forms developed by the department of labor and human rights, each board shall report to the labor commissioner data on the number of licenses granted, number of licenses denied, number of licenses that were not issued within the seven-day timeline, and reason for the delay for licenses issued after the seven-day timeline.

6. Unless already a member of an effective interstate compact, a board shall annually review available interstate compacts in professions it regulates to determine whether joining the interstate compact would be in the best interest of the profession and state, giving consideration to workforce shortages and evolving trends in occupation licensure and technology. The review must be noted clearly in the board's agenda and meeting minutes and the board must provide the labor commissioner with a copy of the considered compact and the board's reason for determining that entering the interstate compact was not in the best interests of the profession.

7. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.

8. Unless otherwise specifically authorized by other laws or rules of the board, all continuing education requirements for licensure renewal must include the ability to complete all required continuing education hours by virtual or remote means.

9. A board may assist in providing education or resources for a licensee or an individual interested in pursuing the regulated occupation or profession.

10. The department of labor and human rights shall maintain on its website information regarding board resources, board member and staff contact information, and a message board for members and staff to engage in discussion channels as needed to identify trends and best practices for occupational licensure.

Alternative pathways to licensure.

Biennially, each board under title 43 shall consider options to provide limited licensing to an individual with relevant experience who has not previously held an equivalent license of the type issued by the board.