

Occupational Licensure Study

Introduction

This Questionnaire is intended to obtain critical insight to the past and current practices of occupational licensure in North Dakota. Your insights and experiences are invaluable in helping us gather essential data and contributing to meaningful research outcomes. This Questionnaire is a fundamental part of our study, and we kindly request your full participation in providing accurate and thoughtful responses. Without your participation, assumptions may be made by policymakers that could impact the Board's processes. If you are unable to provide a full and comprehensive response to this request, please state the reason(s) and include any legal authorities if applicable. Please submit all responses no later than **January 5, 2024**. Please provide all data/records no later than **January 31, 2024**.

Instructions

Before you submit responses, please take a moment to read the following instructions and definitions to ensure a productive survey experience and avoid any uncertainties in the intent of the Questionnaire:

- I. **Confidentiality and Intended Use:** Your responses may be attached to the final report, which will be submitted to the Legislative Assembly. Any information that is confidential should be omitted or redacted prior to submission.
- II. **Honesty and Accuracy:** Honest and accurate responses are crucial for the success of this research and will ensure the Legislative Assembly is fully informed. Please answer the requests to the best of your ability. If you do not understand a question, please contact us to obtain clarification.
- III. **Thoroughness:** Please submit thorough responses. These responses will facilitate a more productive conversation and allow you the opportunity to convey the landscape as it relates to licensees subject to the Board. To the extent you deem any question as extremely burdensome (primarily due to lack of staff, available resources, or anticipated expense), please note it as such and provide the supporting reasoning.

- IV. **Completion Time:** The estimated time required to complete this Questionnaire will vary depending on the nature of your records and staff availability. Please set aside sufficient time to answer all questions thoroughly. You may start and stop the study as needed.
- V. **Attorney Consultation:** Your attorney's advice and guidance are important. To the extent you have representation, please ensure you have consulted your Assistant Attorney General or Special Assistant Attorney General prior to submission.
- VI. **Draft Responses:** At any time prior to submission, you may print the Questionnaire and any responses as a PDF and convert to Microsoft Word format. Please submit final responses via this form.
- VII. **Submission Deadline:** Please submit the requested responses by **January 5, 2024** and records by **January 31, 2024**.

Definitions

- A. "Applicant" means an individual who has submitted a completed application including all documentation and fees necessary for the Board's administrative requirements to consider licensure.
- B. "Application" means the process and all required documentation necessary for the Board to consider licensure of the applicant. The term is satisfied if an applicant's background check is pending.
- C. "License" means the authorization by a board to practice in a profession, whether in North Dakota or a board of a similar profession licensed federally or out-of-state, issued pursuant to the North Dakota Century Code, North Dakota Admission to Practice Rules, or any other authority by which individuals are licensed in North Dakota. The term "license" should be broadly construed.
- D. "Out-of-state" means all U.S. states, District of Columbia, or territories except North Dakota.
- E. "Placement Examination" means a test or assessment that individuals are required to take to determine their level of competence or proficiency in a specific occupation or profession. The purpose of such examinations is to assess whether individuals possess the necessary knowledge and skills to meet the standards set by the Board.
- F. "Professional Mobility" includes existing North Dakota licensing mechanisms through a compact, endorsement provision, reciprocity, joint powers agreement, or other statutory, written, or standardized entry option by which out-of-state licensees may obtain expedited licensure to practice in North Dakota.

Questionnaire

Board Structure

1. Please enter the full statutory name of the Board.

2. Please list the name(s) of all those providing responses to this Questionnaire. Please include:
(a) Name; (b) Title; (c) Email Address; and (d) Phone Number.

3. Please explain the composition of the Board (e.g. number/type of board members).

4. Please explain the composition of the Board's administrative staff, the full-time or part-time status of each, and whether those services are contracted.

5. Does staff availability impact the ability to process licenses in any way?

6. How often are regular meetings held each year?

7. On average, how often are special meetings held each year?

8. Please list all types of occupational licenses issued by the Board.

Application Process

9. For applicants holding out-of-state licenses, what are the application process requirements for each license type issued by the Board? Please describe in detail the documentation, education, hours of service, etc. required by an applicant for each license type.

10. How do the steps outlined in the process in Question 9 differ for an applicant who does not currently hold an out-of-state license in a similar profession? Please explain.

11. Which, if any, steps of the application process(es) identified in Question 9 may an applicant complete entirely online?

12. What national/regional affiliates or organizations does the Board utilize to complete any part of the licensure process? Please explain any services each organization provides the Board as it relates to licensure or continuing education.

13. What is the total cost of initial licensure fees for each license type issued by the Board? Please list the individual fees which comprise the total licensure fees.

23. What is the typical period of time for which a provisional or temporary license is valid?
24. Do situations occur where there is a gap between the expiration of a temporary or provisional license and the approval of a license? If so, to how many out-of-state applicants does this occur on average in a year?
25. Does the Board permit a single Board member or staff member to grant licenses before ratification or input from the full Board? If so, please describe what position(s) has that authority and what information that person needs to grant licenses.
26. Does the Board require an individual to take a placement or jurisprudence examination? If so, please explain the process and timeframes for an out-of-state individual to obtain a license through a placement/jurisprudence examination or other similar process.

Licensure Recognition

27. Does the Board have an option for Professional Mobility? If so, how many states are members of such a mechanism? Please list all states and identify the Professional Mobility mechanism through which North Dakota recognizes licenses in those states.

28. Which states does the Board's Professional Mobility mechanism grant licensure to individuals licensed in those states within three days? If three-day licensure is not granted, what information does the Board need in addition to the application requirements to allow an individual from the foreign state to practice in North Dakota?

29. How does the Board determine whether another state's licensing requirements are sufficient to recognize Professional Mobility in North Dakota?

30. From January 1, 2018 through October 31, 2023, how many total individuals submitted completed applications for licensure (all types)? Please identify each license type and the number of applications for each. If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.

31. Of the total completed applications for licensure (all types) in that time, how many individuals held current, valid, out-of-state licenses? Please count applicants even if you deemed them to be not substantially similar. If the Board does not track this information, please provide as much detail as possible to fulfill the intent of this request.

32. Of the total completed applications for licensure (all types), how many individuals with current, valid out-of-state licenses were granted licensure? Please do not include restricted license holders such as individuals required to complete additional steps in-state that other in-state current license holders were not required to complete. If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.

33. Of the total out-of-state individuals that held current, valid out-of-state licenses (all types) in that time, how many individuals were denied licensure or were required to complete additional steps in-state that other in-state current license holders were not required to complete? If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.

34. Does the Board provide an expedited licensing process for individuals who have a license in good standing issued by another state? If so, please describe the expedited licensure process. Please also identify the estimated number of days this process reduces for an out-of-state licensee compared to if this process was not in place by the Board.
35. Are there states for which the Board does not recognize any form of expedited licensure (or Professional Mobility) of a similar profession? If so, list them and provide the rationale for those positions.
36. Does any current Board or staff member monitor other states' legislation to determine if that state's licensure requirements become comparable to North Dakota's? If so, please describe the monitoring process and what actions have been taken to recognize out-of-state licensees in those states.
37. Are applicants from Canada eligible for any form of expedited licensure based on experience or education?

38. How many military members has the Board granted licensure pursuant to N.D.C.C. Chapter 43-51?

39. How many military spouses has the Board granted licensure pursuant to N.D.C.C. Chapter 43-51?

40. What other avenues are available to out-of-state licensees to obtain licensure in North Dakota? Please describe in detail the processes involved for each option.

41. Do you believe the Board has made a substantial effort to reduce the time it takes to license out-of-state practitioners in North Dakota? If so, please describe any steps the Board has taken in that regard.

42. Would a centralized state occupational licensure process (or umbrella model that provides administrative support and services) assist the Board in its ability to reduce the time necessary to process applications of out-of-state licensees?

Note: This question is intentionally broad. The intent is to generally identify whether the State could provide additional support.

Continuing Education

43. How many continuing education hours are required and over what time period for an individual to maintain licensure (e.g., 30 hours per 2 years)? If there are variations or degrees of requirement depending on length of service or license-type, please specify.

44. When was the most recent month and year the Board amended the number of credit hours required for continuing education credits? Please state what changes were made.

45. What factors does the Board consider in establishing the number of continuing education credits for licensees?

46. How many continuing learning credits may be obtained virtually for each license-type?

47. If there are specific types of continuing learning credits that must be obtained (e.g., ethics), please list them below and state the number of credit hours required for each.

48. How does the Board monitor peer states for continuing education improvements to minimize the burden on licensees?

Considerations

49. Is the Board satisfied with the current technology it utilizes to complete the review of applications? If so, please state the platforms, software, or other means through which applications are processed.

50. If the state provided application processing services to assist the Board with such duties, would the Board find those services potentially beneficial? If so, please explain how the state could assist.

51. What do you consider to be the pros and cons of occupational licensure reform?

52. Please identify any imperative points the Board would like to discuss in greater detail at the meeting with the Labor Commissioner in 2024.

53. Please include any additional information your Board deems relevant and significant to consider in this study. If there are no additional concerns, please state "None."

Requests for Data and Records

Please provide the data requested below (A) By License-type for (B) Out-of-state applicants (all applicants that hold or held current, valid occupational licenses in a related profession in other states at the time their application was submitted); (C) Who submitted completed applications to your Board; (D) From January 1, 2018 through October 31, 2023:

1. Date completed application was submitted.
2. Date provisional/temporary license was granted (if applicable).
3. Date provisional/temporary license expired (if applicable).
4. Date background check was requested by the Board.
5. Date completed background check was returned to the Board.
6. Date license was granted (if applicable).
7. Date license was denied (if applicable).
8. Please include any other data you feel is relevant to contextualize the licensure timeframe.

If any requested data is not tracked by the Board, please state so, and provide as much information as possible to fulfill the intent of the request. A spreadsheet is available if needed to enter information. Please **do not** include any identifying information such as names, DOBs, etc.

For each license-type, please also provide blank copies of the license application forms and any other forms required to apply for licensure.