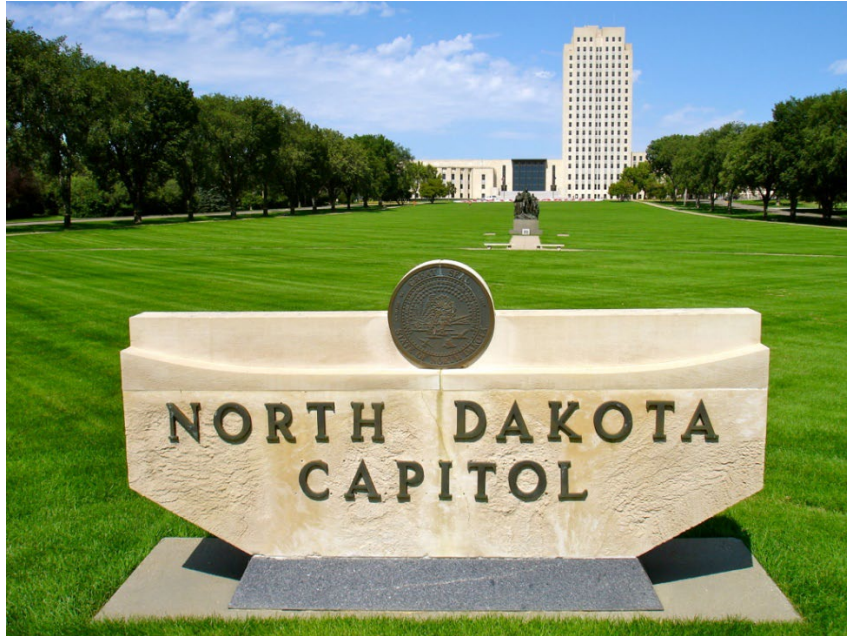


# Report for Occupational Licensure and Continuing Education

S.B. 2249

68<sup>th</sup> Legislative Assembly



North Dakota Department of Labor  
and Human Rights

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# Executive Summary

## Overview

Occupational licensure has become a critical component of workforce regulation and economic policy in North Dakota. This report, which is the product of the Legislative study pursuant to S.B. 2249, examines the current landscape of occupational licensure within the state, outlines the steps taken to acquire information and data, compares other universal licensure reform states, outlines stakeholder perspectives, and proposes recommendations for reform. The report aims to balance public safety with economic opportunity, ensuring that occupational licensing serves the public interest without creating unnecessary barriers to employment.

## Current Landscape of Occupational Licensure

In North Dakota, occupational licensure affects a wide range of professions, from healthcare to the trades. A significant number of the state's workforce is required to obtain a license to practice their professions. This regulatory framework is designed to safeguard public health and safety, ensuring that practitioners meet minimum competency standards.

## Key Findings

1. **License Portability:** Interstate mobility is a challenge for licensed professionals. Variations in licensure requirements among states create barriers for workers moving to North Dakota, potentially exacerbating workforce shortages in critical sectors. By approaching rigid requirements with an increased recognition of substantially similar experience, licensing boards can reduce barriers to entry.
2. **Regulatory Burden:** The complexity and cost of obtaining and maintaining a license can be substantial. Simplifying licensure processes and reducing outdated requirements could alleviate these barriers.
3. **Technology and Collaboration:** As entities are entirely funded by license fees, many boards lack adequate licensing software. This results in archaic licensing processes and reduced reliability in recordkeeping.
4. **Public Safety and Quality:** Licensure does play a vital role in maintaining standards and protecting the public. However, the report finds that not all licensure requirements are equally effective in achieving these goals. There is a need for a more nuanced approach that seeks alternative methods to permit increased flexibility in the requirements to obtain a license.
5. **Existing Efficiencies:** Overall, the study determined North Dakota boards are efficient, with some exceptions, and do not arbitrarily create barriers to reduce competition in their fields.
6. **Continuing Education:** Boards almost unanimously opposed reducing or eliminating continuing education requirements. This is, in part, due to ever evolving practices, legal requirements, and technology advancements.

## Recommendations

1. **Licensure Reciprocity:** Implement policies to enhance licensure reciprocity with other states, particularly for high-demand professions. This would facilitate workforce mobility and attract skilled professionals to North Dakota.
2. **Regulatory Review:** Conduct a comprehensive review of existing licensure requirements to identify and eliminate unnecessary or overly burdensome regulations. Focus on ensuring that licensure standards are aligned with actual public safety needs.
3. **Streamlined Processes:** Simplify the application and renewal processes for occupational licenses. Introduce online platforms and support services to reduce administrative burdens and make it easier for professionals to navigate licensure requirements.
4. **Alternative Credentialing:** Explore the adoption of alternative credentialing methods, such as certification and apprenticeship programs, for certain occupations. This could provide more flexible pathways to entry without compromising public safety.
5. **Public Awareness and Education:** Increase public awareness about the importance and requirements of occupational licensure. Develop educational programs to help aspiring professionals understand and meet licensure standards.

## Conclusion

This legislative study underscores the importance of a balanced approach to occupational licensure in North Dakota. By implementing the recommended reforms, the state can enhance economic opportunities, reduce regulatory burdens, and maintain high standards of public safety. These changes will support a dynamic and adaptable workforce, positioning North Dakota for sustained economic growth and resilience in the years ahead.

## Scope of Legislative Study

### Background Information on Occupational Licensure

Occupational licensure refers to the governmental requirement for individuals to obtain authorization to practice a certain profession. This process involves meeting specific criteria, which may include education, experience, and examination. The intent behind occupational licensure is to ensure public safety, maintain professional standards, and protect consumers from unqualified practitioners.

In North Dakota, occupational licensure is a critical component in regulating professions that have a significant impact on public health, safety, and welfare. Licensed professionals range from healthcare providers and educators to tradespeople and engineers. By enforcing these standards, the state aims to uphold the integrity and trustworthiness of its workforce, ensuring that services provided to the public are of high quality and safe.

The State has studied Occupational Licensure Reform (OLR) over at least the past seven years. In the years 2018-2019, the U.S. Department of Labor awarded Job Service North Dakota (JSND) \$460,000 in the form of an Occupational Licensing Review and Reform Grant. JSND in turn awarded the grant to St. Francis University in Loretto, Pennsylvania to conduct the study. From 2019-2024, JSND awarded \$210,000 to the North Dakota Department of Commerce (Commerce Department) who contracted the Council on Licensure, Enforcement and Regulation (CLEAR) based in Nicholasville, Kentucky, to conduct the study.<sup>1</sup>

The 68<sup>th</sup> Legislative Assembly granted the North Dakota Department of Labor and Human Rights \$50,000 in general funds to conduct the present study. The Department has expended the funds for a temporary part-time<sup>2</sup> Research Assistant based out of Fargo, North Dakota and Jadestone Consulting, LLC, a North Dakota-based third-party consultant. As of November 30, 2024, the Department has utilized \$40,215.90 in wages and benefits to the Research Assistant, \$2,534.43 in travel expenses, and \$8,170.00 as payment to Jadestone Consulting, LLC.

The current legislative landscape in North Dakota reflects an ongoing effort to balance public protection with economic growth and workforce mobility. As industries evolve and new professions emerge, the state's licensure requirements must adapt to meet these changes while minimizing unnecessary barriers to entry. This report examines the status of occupational licensure in North Dakota, identifies key challenges and opportunities, and provides recommendations for legislative action to enhance the effectiveness and efficiency of the licensure system.

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<sup>1</sup>[CLEAR ND Occupational Licensing Review and Reform Final Report.](#)

<sup>2</sup> The temporary Research Assistant was moved to full-time on July 29, 2024, and began qualifying for health insurance at that time.

## Statement of the Purpose and Scope of the Legislative Study

The 68<sup>th</sup> Legislative Assembly passed S.B. 2249,<sup>3</sup> which codified a study and directed the Commissioner of the North Dakota Department of Labor and Human Rights as follows:

“The commissioner shall gather information regarding the continuing education requirements and the practice of licensing out-of-state practitioners for each board, the education standards and practices board, and the state board of law examiners. The commissioner shall analyze the information to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. As necessary, the commissioner may recommend introduction of legislation to implement this strategy.”

In short, the study sought to achieve two primary goals:

1. Identify methods to increase the efficiency of licensing an out-of-state individual who holds a current, valid, and similar license in that individual’s current state of licensure; and
2. Identify methods to modernize the continuing education requirements for maintaining licensure in the State.

The bill further directed the Labor Commissioner, during the interim, to:

1. Hold meetings with each occupational licensure board under N.D.C.C. Title 43, the Education Standards and Practices Board, and the State Board of Law Examiners;
2. Provide Legislative Management with periodic status reports; and
3. Permit the Labor Commissioner to recommend introduction of legislation for the 69<sup>th</sup> Legislative Assembly.

The Labor Commissioner satisfied each of the requirements but refrained from introducing legislation for the 69<sup>th</sup> Legislative Assembly due to the appointment ending December 14, 2024.

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<sup>3</sup> [S.B. 2249](#).

## Methodology

### Study Phases

Although the language of the study only required a meeting with each board subject to the study, given the many years of studies on this topic, it was imperative to take several additional steps to ensure the Legislature received as much information on licensing boards as possible. Moreover, the boards have spent a significant amount of time completing various surveys and requests for information. Achieving resolution on the subject of occupational licensure reform was important in order to allow boards and their staff to return to focusing on their primary purposes of licensure, education, and discipline.

The study was conducted in four primary phases. Phase 1 consisted of Research and Data Collection.

#### Phase 1: Research and Data Collection

We conducted extensive research and gathered data on existing licensure requirements, trends, and best practices from other states. The regulatory framework of each board was reviewed to identify potential redundancies, barriers to entry, and opportunities for streamlining.

As part of this research, a 53-question Questionnaire<sup>4</sup> was distributed to each of the 42 boards subject to the study. Although a questionnaire was not expressly required by S.B. 2249, the results provided the Department with critical information to better understand each unique board prior to engaging in the meetings required by the study. The Questionnaire included sections covering board structure, meeting frequency, the application process, out-of-state license recognition, continuing education, and consideration the boards wished for the Department, and ultimately the Legislature, to know. The Department received 100% of the Questionnaires back.<sup>5</sup>

Shortly after the Department issued the Questionnaires, the Department held two separate Q & A Sessions on December 6, 2023 and December 13, 2023. These sessions were intended to provide any interested individuals from the boards the opportunity to ask questions, seek clarifications, and provide the Department an opportunity to explain the purpose and goals of the study.

In addition, a brief, high-level survey was sent to the known associations and unions which comprise practicing members of the boards subject to the study. These

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<sup>4</sup> See Appendix C – Questionnaire.

<sup>5</sup> See Appendix A – Questionnaire Responses and Data.



organizations were not subject to the study, but their feedback was instructive. Seventeen of the forty-seven organizations (36%) participated in the voluntary survey.

Furthermore, the Department pulled legislation from each of the 26 states that have passed some form of “universal licensure”. After reviewing the states’ legislation, the Department successfully contacted representatives from 16 of the 26 states to identify successes and failures from that state’s universal licensure law.

### Phase 2: Engagement

From February 13 through July 26, 2024, the Labor Commissioner and Research Assistant met with each board to ascertain the barriers and solutions related to the study, taking into consideration the expertise and insights of each board.<sup>6</sup> Prior to each meeting, the responses to the Questionnaire for that board were reviewed to identify areas that needed further discussion at the meetings. Each meeting took approximately one hour to one-and-one-half hours. The North Dakota Supreme Court also called a meeting with the Labor Commissioner and Research Assistant to discuss the complications inherent in licensure reform for attorneys.

### Phase 3: Report Generation

Based on the data, research, and board input, the Department drafted the present report to provide to the 69th Legislative Assembly a comprehensive overview of the State’s boards and processes.

### Phase 4: Legislative Submission

The report was submitted to Legislative Council for the 69th Legislative Assembly’s consideration, the Governor’s Office, S.B. 2249 bill sponsors, and the boards.

## Occupational Licensure Advisory Committee (OLAC)

Effective occupational licensure reform needs, in addition to Legislative and Executive support, board support as well. To accomplish this, the Department formed a volunteer team of executive directors from the Board of Medicine, Board of Pharmacy, Electrical Board, Board of Dentistry, Education Standards and Practices Board, and Board of Law Examiners to form the Occupational Licensure Advisory Committee (OLAC).<sup>7</sup> The OLAC team typically met the first Thursday of

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<sup>6</sup> See Appendix B.

<sup>7</sup> Sandra (Sandy) DePountis – Executive Director, Board of Medicine; Mark Hardy – Executive Director, State Board of Pharmacy; Petra Mandigo Hulm – Clerk of Court, State Board of Law Examiners; Rebecca (Becky) Pitkin – Executive Director, Education Standards and Practices Board; David Schaibley- Executive

every month beginning in October, with a short break in meetings in early summer 2024. In total, OLAC met ten times over the course of the study.<sup>8</sup>

The OLAC members provided critical insight to board operations and external complications as well as objective reviews and recommendations. At the meetings, the OLAC discussed the status of the study and strategies, including reviewing and commenting on the draft Questionnaire and boards and associations survey; providing valuable insight on day-to-day functions of licensing boards, the Century Code and the Administrative Code; advising on the pros and cons of various aspects of the licensure process; and discussing solutions to streamline and improve the licensure process in North Dakota. They understood and appreciated the various interests in licensure reform such as executive, legislative, and citizen perspectives. Thanks to the OLAC members' guidance and expertise, the study was effective and efficient.

### Meetings with Boards

While the questionnaires provided much of the information needed in the study, these meetings allowed the Department to engage in an interactive manner to obtain clarifications and solutions. The Department met with all 42 boards, as well as the North Dakota Supreme Court at their request. In total, 44 meetings<sup>9</sup> took place between February 13, 2024 and July 26, 2024.<sup>10</sup> Boards that could not accommodate the Department as part of regular meetings scheduled special meetings.

The primary goal of the meetings was to engage in a collaborative dialogue to ascertain what boards could do while learning the challenges certain reforms would bring. Except for the meeting with the Supreme Court, each meeting involved the following:

1. Outlining the purpose of the study and its goals, followed by taking questions, if any, from board members and staff.
2. Reviewing the questionnaire responses. This was not question-by-question. Rather, prior to each meeting the Department reviewed questionnaire responses and drafted additional questions which focused on clarifying responses and obtaining details to further our understanding of the out-of-state licensure process and board operations.
3. Concluding with a brief rundown of what boards were to expect from the study going forward and any final questions or concerns board members and staff wished to raise.

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Director, State Board of Dental Examiners (joined in April 2024); and James Schmidt – Executive Director, State Electrical Board.

<sup>8</sup> October 5, 2023; December 7, 2023; January 4, 2024; February 1, 2024; March 7, 2024; April 4, 2024; July 3, 2024; August 1, 2024; September 5, 2024; and December 9, 2024.

<sup>9</sup> There were two meetings with the Board of Nursing; the first was with directors and staff and the second with the full board.

<sup>10</sup> Appendix B – Questionnaire Complete and Meeting Dates.

## Associations and Unions Survey

Organizations that represent some or all members of a particular profession are typically in the form of an association or union. There was no known list of all associations and unions regarding licensed occupations in the state. The Department manually searched for and created a list of forty-seven organizations. On March 27, 2024, the Department also sent a brief, high-level survey to the known associations and unions which comprise practicing members of the boards subject to the study. The purpose was to engage those groups that represent and advocate on behalf of their members to solicit feedback from existing practitioners. Seventeen of the forty-seven organizations participated in submitting responses.

## Technology Solutions

As the Questionnaires were returned, it became apparent that many boards are operating without modern licensing software. Those that do have licensing software range from satisfied to content to dissatisfied with what they have, and they all commented on the high costs of obtaining, maintaining, and upgrading. The Department met with representatives from North Dakota Information Technology (NDIT) to discuss options for boards that need a technology upgrade. NDIT connected the Department with ServiceNow, a software developer that is currently under contract with NDIT to build out the Business Gateway.

In the meetings with ServiceNow, the representatives outlined the process for implementing the program. Initially, they would meet with a small pool of the boards to identify the overlap in the licensing process. For example, all board applications and licensing require fundamental information such as name, D.O.B., etc. ServiceNow estimated 80% of the information all boards require has identical crossover regardless of profession. Once those basic application fields were identified, the ServiceNow team would then meet with each board to identify unique criteria needed by that board to customize it as needed.

There are several benefits to providing boards with such modernized licensing software. One of the primary issues identified in the study as a cause for delayed licensure is applicants not completing all required fields. Through the ServiceNow software, applications could not be submitted without required fields being completed.

Many boards raised concerns about being tied to a national organization or platform that houses the information required to determine licensure. ServiceNow has the ability to integrate those systems into the software so any necessary information from those organizations would be available for review within the ServiceNow system.

Another delay for many boards is the time for mailing applications and licensing fees. Through a program like ServiceNow, electronic payment options exist to remove the manual task of payment.

Another benefit is legislative oversight of boards. Through ServiceNow, legislators and the public could have real time data on licensing speed by boards, the number of applicants, the number of licenses, etc. Reports can be generated to provide even greater detail on board practices. In other words, the work performed manually gathering this information in the present study would be available on an ongoing basis.

There are no storage limits with ServiceNow and the only ongoing fees for boards will be based on the number of users. For example, if a board had two staff members that handled the processing of licenses, only two license fees would be needed regardless of how much data is stored in the system.

In the demo observed by the Department, ServiceNow demonstrated the following tools available to boards:

- Integration with the Business Gateway solutions;
- Electronic applications;
- Customization specific to each board and license type;
- Ability to administer and score jurisprudence exams;
- Required fields to prevent incomplete applications upon submission;
- Electronic payment integration;
- Education recertification and continuing education tracking;
- Data tracking for time to licensure;
- Examination administration and immediate scoring;
- License issuance; and
- Communications – built-in messaging between board staff and applicant.

The Department estimates approximately 20 boards need and would welcome a technology solution for its licensing processes. As notable benefit, as other boards decide to use this software in the future the already-built core foundation can be the starting point for them. The rough cost anticipated for 20 boards to create and implement this system is \$1,500,000 to \$2,000,000 as a one-time cost. Wyoming's Department of Administration & Information recently signed a contract with ServiceNow to provide licensing software for the 20 boards it administers.

Given the structure of NDIT, any appropriated funds to complete the build and integration for boards would need to be located within an agency's budget as a one-time funding item. The Department also recognizes procurement laws may require competitive bidding on the software used. ServiceNow was used as an example of available options given its current relationship with the State for the Business Gateway build-out.

### Bureau of Criminal Investigation

Sixteen boards utilize the Bureau of Criminal Investigation (BCI) for criminal history background checks. While boards credited BCI with speeding up turnaround times for results in the past few

years, they noted that the necessary time for completion of background checks added 7-14 days to the licensing process.

### Other State Universal Licensure Laws

Several other states have passed some form of occupational licensure reform. Indeed, Arizona was often referenced in the legislative testimony supporting the study. The Department researched other states that have passed universal licensure laws to better understand what actually comprised the legislation in those states.<sup>11</sup> In addition to reviewing the legislation of those states, the research also included contacting state representatives from 16 states.<sup>12</sup>

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<sup>11</sup> When this study began, 23 states had passed universal licensure laws. In 2024, Florida, Louisiana, and Nebraska were added to the list of states with universal licensure laws.

<sup>12</sup> Appendix D – Other State ULR Laws (October 18, 2024).

## Current State of Licensure in North Dakota

### Board Structures

Forty-two boards were subject to the study. The average number of board members is 6.3 members per board with the highest being 15 members<sup>13</sup> and the lowest being three members.<sup>14</sup> The types of members for each board are not always consistent. For example, some boards are comprised entirely of individuals licensed in the occupations the board regulates while others include non-licensed members of the public.

Likewise, the number of staff hired by the boards varies widely from a single, part-time staff member to several full-time staff members. The average number of staff members per board is 2.6, with four boards<sup>15</sup> having no staff and one board<sup>16</sup> having 20 staff members. For the four boards without staff, one or more respective board members take on those duties to perform the administrative tasks for each board.

### Board Licenses

In total, the 42 boards provide approximately 149 unrestricted occupational licenses. This figure excludes temporary, restricted, and business licenses. If those types of licenses are included, the boards collectively issue 167 types of licenses.

The number of license types also varies for each board. For example, the Board of Medicine licenses physicians, physician assistants, genetic counselors, and naturopathic doctors while the Board of Optometry only licenses optometrists. Moreover, several boards provide some form of temporary license or limited license for a license type that is a full license to practice. For example, the Board of Dietetic Practice licenses in the form of licensed registered dietitians and licensed nutritionists. The board also provides provisionally licensed dietitian licenses as well as a limited practice without a license.

### Applications

Given the study goal of determining how to get out-of-state practitioners licensed within three days, the Department inquired about boards' application processes to identify archaic practices or limitations that challenge the boards' ability to meet this goal. One factor was the availability of online (or virtual) applications, which would reduce board staff having to decipher handwriting or

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<sup>13</sup> The Board of Medicine is comprised of 15 members.

<sup>14</sup> The Board of Abstract Examiners, Reflexology Board, and Barber Examiners each have three board members.

<sup>15</sup> The four boards with no staff members are the Board of Registration for Professional Soil Classifiers, Barber Examiners, Reflexology Board, and Board of Integrative Health Care.

<sup>16</sup> The State Electrical Board has 20 staff members.

delay application processing due to time for mailing. All but three (93%) boards provide some form of online application. It should be noted that some of the 39 boards which do have online applications merely have the applications available to print or the application is submitted but does not feed into a licensing software tool.

### Criminal History Record Checks

A criminal history record check (CHRC) is a tool for identifying a disqualifying criminal history prior to licensure. Although not all boards are required to conduct CHRCs, all boards that do are required to utilize the North Dakota Bureau of Criminal Investigation (BCI) for any CHRC. Sixteen of the 42 boards (40%) require applicants to submit to a CHRC.

After completing the licensing application and submitting the required documents to the licensing board, the applicant will receive a CHRC packet by mail or email to complete. The applicant must complete the CHRC application and submit two sets of fingerprints, which must be taken by a local law enforcement agency or individual authorized to take fingerprints. Out-of-state applicants may have their fingerprints taken in their home state and are not required to travel to or be physically present in North Dakota to meet this requirement. Once the applicant has completed the fingerprints and application, they must mail the materials along with the CHRC payment to the licensing board for review. A staff member from the board will review the submitted documents, fill out their section of the form, and then send the fingerprints, application, and payment to BCI.

The typical time frame for receiving background check results, from the moment the licensing board requests the applicant to complete the CHBC application until the board is notified of the results, is estimated to be between seven and fourteen days. Multiple boards have indicated that they receive the CHRC results from BCI in less than seven days after the applicant submits the required documentation to the board staff.

Much of the licensing process continues to be manual. BCI expressed to the Department it is continuously working to enhance its processes and reduce the time it takes for agencies to receive CHRC results. One improvement includes the ability to electronically return results to the authorized staff member. However, for this to happen, agencies must comply with all applicable state and federal protocols and security standards. Additionally, BCI reports it has reduced processing time by implementing interdepartmental billing for state agencies and allowing for the electronic submission of fingerprints to BCI for in-state applicants. These improvements, however, are contingent on adherence to specific technologies and protocols.

### Staff Authority

Thirty-two (76%) of the boards have formally delegated authority to approve routine applications with no derogatory findings. In other words, an application that meets the requirements for licensure, has no pending or identified disciplinary actions, includes all the required documentation for license verification, and contains no concerns regarding the CHRC (if required) need not go to

the full board at a regular board meeting. Instead, the staff members may issue those licenses and allow the board to ratify the license issuance at the next regularly scheduled meeting.

## License Portability

License portability is the essence of this study. Naturally, the study inquired about which boards have existing mechanisms for practitioners holding out-of-state licenses to seamlessly acquire authorization to work in that field in North Dakota. License portability can come in a variety of ways such as reciprocity agreements, interstate compacts, universal licensure recognition, and expedited licensing. Each category carries with it certain benefits as well as limitations.

Licensure Reciprocity is typically a bilateral agreement between two states in which each recognizes the professional license issued by the other, allowing practitioners to practice in either state with minimal or no additional requirements.

An Interstate Compact is a multi-state agreement in which participating states agree to a uniform set of standards for licensing within a specific profession, enabling easier license transfer between member states. Benefits of interstate compacts include seamless license portability for all individuals licensed by any of the member states. Interstate compacts always include a minimum number of states whose legislatures must enact the compact language verbatim. Thus, if an interstate compact requires seven states enact it before it takes effect, North Dakota could enact a compact that is not operable until additional states do so as well. Likewise, the Legislature may not alter or amend an effective interstate compact without voiding the state's ability to benefit from and participate in the compact.

Universal Licensure Recognition is a policy in which a state chooses to recognize professional licenses from any other state, essentially creating a portable license across all participating jurisdictions. Although some states have publicized universal licensure, their actual legislation contradicts true universal licensure recognition principles.

Expedited Licensing is a process in which a licensed professional from another state can quickly obtain a license in a new state by submitting minimal additional documentation and potentially undergoing a streamlined evaluation process. A variation of this form of licensure has been implemented in North Dakota for military members and spouses.

North Dakota is currently a member of six interstate compacts.<sup>17</sup> In addition, several other boards have other forms of licensure portability. For example, the North Dakota Real Estate Commission has reciprocity agreements with Minnesota, Iowa, and Georgia and the State Board of Plumbing

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<sup>17</sup> The six Interstate Compacts North Dakota effective in North Dakota are the Nurse Licensing Compact ([N.D.C.C. ch. 43-12.4](#)), Advanced Practice Registered Nurse Licensing Compact ([N.D.C.C. ch. 43-12.5](#)), Interstate Medical Licensure Compact ([N.D.C.C. 43-17.4](#)), Physical Therapy Licensure Compact ([N.D.C.C. ch. 43-26.2](#)), Psychology Interjurisdictional Compact ([N.D.C.C. ch. 43-32.1](#)), and Counseling Compact ([N.D.C.C. ch. 43-47.1](#)).



has reciprocity agreements with Minnesota, Montana, and South Dakota. Likewise, the State Electrical Board recognizes license reciprocity with 12 states. The State Board of Accountancy has nationwide recognition of CPA licenses. The Board of Dental Examiners allows licensure by credential. The Board of Law Examiners is a member of the Uniform Bar Examination (UBE), which recognizes the bar exam scores from 41 UBE states. The Board of Professional Engineers and Land Surveyors is a member of the National Council of Examiners for Engineering and Surveying (NCEES). Thus, there are several mechanisms currently in place for many boards. However, 29 of the 42 boards in the study have no mechanism for expedited license portability.

## Licensing Timeframes

The Department asked all boards to submit information related to licensure timeframes. A spreadsheet form was provided to the boards with column headings including “Completed Application Submitted (Date)”, “Background Check Requested (Date)”, “Background Check Completed (Date)”, “License Granted (Date)”, and “License Denied (Date)”. The goal was to calculate time between dates to identify bottlenecks in the licensing process. Unfortunately, the data tracked or available in their current systems prevented almost all boards from providing this information. Many sent some of the information, and some had to provide explanations as to why the dates provided did not neatly fit one or more categories. Due to the impossibility of reconciling the extreme differences in provided data, the Department could not accurately calculate this information.

A majority of the boards, however, were able to provide the total number of licenses granted from January 1, 2018 through October 31, 2023. For 32 boards that provided information, a total of 49,900 licenses were issued in that timeframe, with the largest number of licenses being 22,916 by the Board of Accountancy and the lowest being four by the Board of Registration for Professional Soil Classifiers. The average per board was 1,559 licenses per board. These numbers reflect all license types issued by those boards for in-state licensees as well as any out-of-state license holders. Ten boards were unable to accurately provide that information.

Even less tracked were the number of licenses granted to applicants who held current, valid out-of-state licenses. Just 19 of the 42 boards had data to share. Of the 19, a total of 6,474 licenses were issued to individuals who held current, valid out-of-state licenses, with the highest being 2,211 issued by the State Board of Law Examiners and the lowest being zero for the Reflexology Board and Professional Soil Classifiers. Twenty-three of the boards did not track or have accurate data on out-of-state license holders.

## Technology

The tools for which boards utilize as tracking applications, licensing, renewals, and continuing education vary greatly. Indeed, the range is from paper applications stored in boxes or filing cabinets for two boards; spreadsheets with no backup being used to track for several boards;

outdated licensing software that is no longer supported for still other boards; and advanced and customized software for the rest.

Gleaning from the Questionnaire responses, within the 42 boards studied, 25 are generally satisfied with the level of technology they use for licensing.<sup>18</sup> Seventeen boards are either interested in an upgrade/have a partial solution, not happy with their current level of licensing software, or have nothing at all and are entirely paper-based. The Department suspects several of the 25 content boards would be interested in a new program if the state facilitated funding for design and implementation. In total, it is estimated approximately 20 boards would utilize a technology solution for licensing.

There were two primary reasons boards have not implemented more reliable and efficient licensing software. First, the cost to implement a new system is a barrier given that licensing boards are entirely funded by licensing dues. Whether it is the small number of licenses issued or the level of fees, the only way many boards could implement this technology would be to substantially raise licensing fees – thereby contradicting the removal of barriers – or by state-funded initial implementation. Second, boards that have some form of licensing software do not have a reasonable alternative given the cost to build and implement a new system. It is also likely that many board staff are reluctant to change and prefer familiarity over modernization.

For boards that have reliable and modernized licensing software, some have systems either designed by or integrated with national organizations. For that reason, requiring those boards to switch to new software could be disruptive or decrease efficiencies already in existence via the nationally integrated system.

Board websites also vary substantially. While some boards have modernized websites with many resources and the ability to login and maintain an account, other boards have limited websites, and one has no website at all. This made even identifying a board contact difficult at the outset of the study. Likewise, many board staff do not have a state email account and sensitive information is merely maintained by a personal account such as Gmail.

### Military Members and Spouses

The Department also obtained updated information on the number of military members and military spouses who utilized the statutory expedited licensing requirements under N.D.C.C. ch. 43-51. There have been 2,099 military members and military spouses licensed as of October 31, 2023.<sup>19</sup>

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<sup>18</sup> Appendix A – Questionnaire Responses and Data.

<sup>19</sup> The numbers are approximate as there were eight boards who did not track this information.

## Continuing Education

As the second primary subject of the study, the Department acquired all continuing education requirements for each board.<sup>20</sup> While the number of hours varied widely by board, four boards have no continuing education requirements.<sup>21</sup> Most boards have updated their continuing education requirements in recent years, but some have never been updated. For example, 20 boards have not updated continuing education requirements in the past 20 years.

The Department also gathered data on the extent of licensees being able to complete continuing education virtually rather than requiring physical, in-person attendance. Of the 38 boards that have continuing education requirements, 27 boards allow all hours to be completed virtually, seven boards allow partial hours to be completed virtually, and four boards do not allow virtual continuing education. It should be noted that some boards under Title 43 are hands-on professions that make virtual continuing education difficult.

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<sup>20</sup> Appendix A – Questionnaire Responses and Data.

<sup>21</sup> The Board of Registration for Professional Soil Classifiers, State Board of Architecture and Landscape Architecture, State Board of Funeral Service, and Private Investigation and Security Board do not have any continuing education requirements once licensed.

## Stakeholder Perspectives

### North Dakota Associations and Unions Survey

The Department issued a voluntary survey to the forty-seven known associations and unions that represent some or all of the occupational licensed professionals. Seventeen (36%) of the forty-seven organizations responded. The questions were intended to gain a high-level understanding of the organizations' feedback on major areas of licensure in the state. The following results indicate general satisfaction with the boards:

Question 1: Please state the full name of your organization.

Participants included the following:

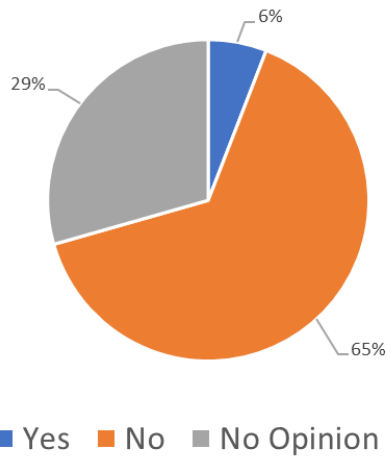
1. State Bar Association of North Dakota (3,000 members)
2. North Dakota Dental Association (approx. 400+ members)
3. North Dakota Land Title Association (64 companies)
4. North Dakota Counseling Association (272 members)
5. North Dakota Association for Behavior Analysis (97 members)
6. North Dakota Barbers' Association (approx. 226 members)
7. North Dakota Pharmacists Association (250 members)
8. North Dakota Association of Plumbing, Heating & Mechanical Contractors (approx. 1200 members)
9. North Dakota Speech-Language Hearing Association (unknown)
10. Associated Builders & Contractors of Minnesota and North Dakota (10 members)
11. North Dakota Association of Realtors (2200 members)
12. North Dakota CPA Society (1300 members)
13. North Dakota Board of Examiners for Nursing Home Administrators (89 members)
14. North Dakota Academy of Nutrition and Dietetics (176 members)
15. North Dakota Veterinary Medical Association (275 members)
16. North Dakota Society of Radiological Technologists (unknown)
17. North Dakota Veterinary Technology Association (136 members)

Totals: 9,621 individuals (approx.), 74 entities, and 2 unknown.

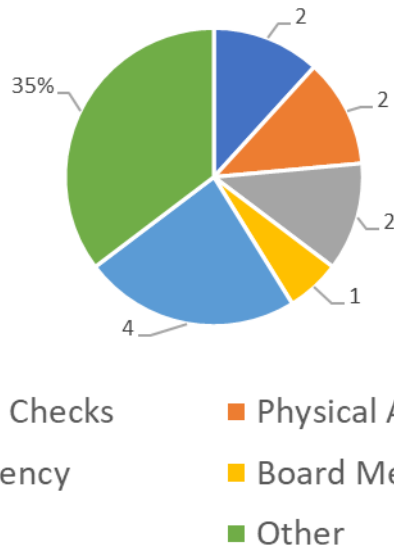
Question 2: How many professionally licensed individuals (e.g., members licensed under N.D.C.C. ch. 43 or analogous licensing authorities) are currently members of your organization?

(see parentheticals in #1)

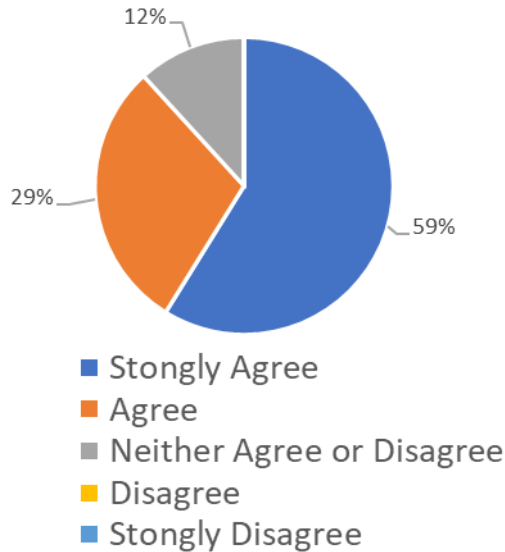
Question 3: On behalf of members who held valid out-of-state licenses in their profession before obtaining a license in North Dakota, does your organization currently find the licensure process unnecessarily burdensome?



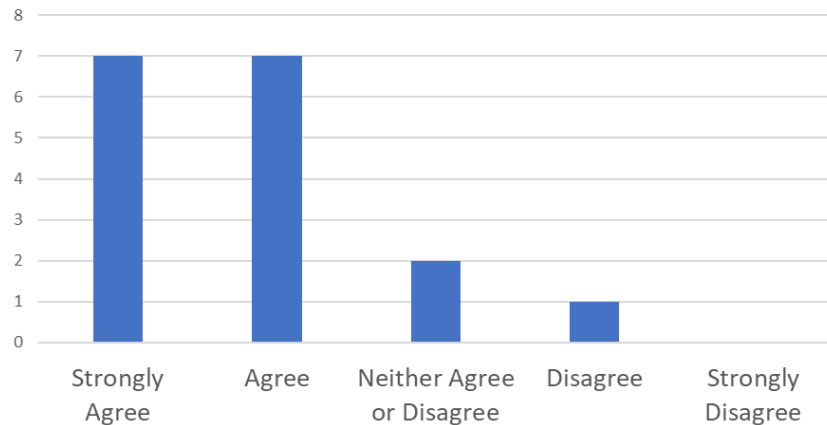
**Question 4:** On behalf of members who held valid out-of-state licenses before obtaining licenses in North Dakota, which of the following best accounts for the majority of time between application submission and license approval?



**Question 5:** Does your organization believe the current licensure requirements strike an appropriate balance of competent practitioners, expedited licensure, and public safety?



Question 6: Does your organization agree the current application and licensure process uses adequate technology (e.g., online applications, information on website, etc.) to minimize any burden on potential applicants holding valid out-of-state licenses?



Question 7: Does your organization believe the time it takes to license out-of-state applicants can be reduced without jeopardizing public safety? If so, what suggestions does your organization have to streamline the licensure process for applicants who currently hold valid out-of-state licenses looking to become licensed in North Dakota without compromising public safety? For any suggestions, please note whether you have communicated the suggestion(s) to the licensing Board and what, if any, action was taken by the Board.

Responses:

“Licensing of lawyers from out of state is very easy at this time, while still protecting the public.”

“We would defer to our regulatory body the Board of Dental Examiners. With their new Executive Director and staff they have made massive changes and improvements. We have full faith that they will navigate the process appropriately balancing public safety and expediency in the process.”

“We do not have out of state applicants.”

“No.”

“I am excited to report that our ND Board of Barber Examiners are currently working hard to develop an online data base and website process for licensing applications and renewals. It should take shape within the year. This will help not only the applicants, but also the Secretary, who has a lot of business to handle along with running a small barbering business.”

“no”

“On the plumbing side it is very streamlined, but we would definitely not lessen the process as that would jeopardize public safety. On the mechanical/HVAC side the public is at great risk as it stands due to no statewide licensure process allowing any contractor outside of municipalities to do work on mechanical systems that could kill someone through means of improper systems installation and testing.”

“Uncommitted. If ND joined the Interstate Compact for Speech-language pathologists(<https://www.asha.org/advocacy/state/audiology-and-speech-language-pathology-interstate-compact/>) the necessary time to practice could be reduced without risk to public safety. We have discussed this with the licensing board. In order to join the Interstate Compact though, ND would need to require a CF year and provisional licensing. This is problematic for us as provisional licensing is not in the century code. When polling members, the members of the association are uncommitted. Private practitioners would love to have it occur - others are less committed.”

“Yes. When talking to our members, the initial application by paper and using the USPS system, causes delays. If the application process would be available online like renewals are handled, it would be better and they feel would not jeopardize public safety. Our members feel licensures are needed and important, but the process could be more efficient and quicker using an online method.”

“The CPA profession has one of the most streamlined processes for safely licensing CPAs from other states due to our current system of mobility and substantial equivalency. The ND Board of Accountancy is particularly speedy when it comes to the licensing process. From what we have witnessed, applications are processed

within a day or two. I don't recall ever hearing a complaint from a member or potential member regarding the out-of-state licensing process. In fact, I think that most people appreciate the process and being able to talk to a real person who is knowledgeable when they call our Board of Accountancy.”

“No. The criminal history record check and verification from their current state licensing board is needed for public safety.”

“We find the current process to be efficient and effective, with minimal wait time for licensing out-of-state individuals.”

“No; the North Dakota Board of Veterinary Medical Examiners issues a "temporary license" if all applicable information for the application is submitted for licensure. This process works well and serves as a work around until the board meets to officially approve the licenses.”

“We do not get a lot of members who join our society that are out of state. However, we do hear from out of state applicants utilizing a traveling agency that at times that the background check takes a long time to come back. It is unclear if this is due to a third party travel agency often times being involved. However, it does seem to take individuals who are using a third party company longer to get licensed than a new graduate or other individual seeking licensure on behalf of themselves. However, as a society, we do believe that a background check is a crucial component to ensure public safety.”

### North Dakota Licensing Board Perspectives

Question 51 of the Questionnaire asked boards to comment on the pros and cons of licensure reform. The responses varied depending on the profession, staff availability, and level of technology available to a specific board. For example, the following responses indicate a recognition that processes could be improved, and barriers removed:

“It would provide uniformity in websites, data storage, and technological interfaces.”

“One pro of occupational board reform is to provide information and support for boards who struggle in certain areas or need additional support. A sharing system of best practices could be created as a tool kit for all boards. There also might be a central location to house artifacts and exemplars, or even examples of technology that works.”

“The process of incoming applications, new certifications, and annual renewals would potentially be streamlined.”



“The Board thought a pro of occupational license reform would be continuity of practice and process across professions.”

“There is a potential for less delays with background checks if the state made updates to their systems. Universal platforms (such as databases, etc.) may be more cost effective if the state negotiated contracts vs. each board/entity having to negotiate individual contracts.”

At the same time, however, several boards shared common concerns about licensure reform:

“It eliminates board autonomy to oversee their own professions. It could potentially create a board where those assigned to oversee the profession lacks expertise in that profession to determine if licensees are functioning within scope of practice, causing harm, and maintaining continuing education requirements. It would compromise ability of licensure boards to protect the public.”

“The Board feels there is no advantage to overall licensure reform. The boards should be allowed to consider their own reform if and when necessary. More government overreach would most likely not be helpful with the licensure process as it would create more inefficient, time-consuming steps in the current processes many Boards have in place.”

“The Board believes occupational licensure reform may have an adverse effect upon the Board's autonomy and profession-specific decision-making capabilities.”

“Occupation licensure reform could call into question Board compliance with federal requirements.”

“The cons of reform are many boards and commissions have already removed the barriers to employment, implemented best practices, and streamlined processes. The current staff and board members are very knowledgeable in the regulated occupation. If there is an umbrella organization, it would take the umbrella staff members quite some time to reach that knowledge level for all boards and commissions. What is a best practice for one board, may not be for the same for a different board. An umbrella organization would add an unnecessary layer for the licensees.”

The preceding examples represent consistency in perspectives amongst the boards for both the pros and cons of licensure reform. The pros can most aptly be summarized as streamlined and uniform processes, support, and scaled costs for licensing software. The cons were nearly unanimous in that too much oversight would jeopardize board and staff autonomy and expertise in their fields. In addition, some boards have federal requirements that could be jeopardized if too many processes

are ill-advisedly altered or removed. The Department's objective perspective is there is common middle ground to increase efficiencies while maintaining board and staff expertise.

## Universal Licensure Laws in Other States

### Overview of Other State Universal Licensure Recognition Laws

As of August 2024, 26 states have Universal Licensure Recognition (ULR) laws.<sup>22</sup> This includes North Dakota's neighboring states of Montana, Wyoming, South Dakota, and Iowa. Minnesota does not have a universal licensure law. The Department located and reviewed the key points from each state's universal licensure laws. In addition to reading the statutory language, the Department successfully contacted key individuals in 16 of the 26 states to better understand the successes and pain points from the implemented legislation.<sup>23</sup>

Each state's law is different and varies in scope and effect.<sup>24</sup> Arizona's 2019 law is widely considered to be the posterchild of universal licensure laws. It was used as the inspiration for a model law developed by the Goldwater Institute and the Institute for Justice.<sup>25</sup> Although no state has enacted that model law word-for-word, its influence can be seen in many of the laws that have been passed. But some states that considered the Arizona legislation found it problematic in practice and decided not to emulate it.<sup>26</sup>

In some cases, a ULR law has been used to establish uniform minimum licensure requirements for applicable occupations and licensing entities. For other states, universal licensure becomes another option for applicants in addition to the traditional methods of licensure. Other paths include licensure by examination, established reciprocity or endorsement agreements, executed license transfers, and compacts.

Unless the ULR law explicitly said otherwise, a licensing entity that already has endorsement or reciprocity agreements with other states may utilize those methods of licensure rather than implement the ULR laws. In other words, those states determined compacts, reciprocity agreements, and other mutually recognized avenues to licensure were as, or more, beneficial than the adopted ULR laws. There are several states which do not have reciprocity at all, such as Vermont. On the other hand, Florida's law, passed in 2024, repeals licensure by endorsement statutes in individual practice acts for most of the occupations to which the law applies.

Universal licensure is not reciprocity, because there is no documented agreement between states. However, states such as Indiana have language saying licenses will be granted "by reciprocity",

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<sup>22</sup> The 26 states are Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Pennsylvania, South Dakota, Utah, Vermont, Virginia, and Wyoming. Florida, Louisiana, and Nebraska passed laws in 2024.

<sup>23</sup> Appendix E – Conversation Notes with Other States.

<sup>24</sup> Appendix D (Other State ULR Laws (October 18, 2024).

<sup>25</sup> [Universal Recognition of Occupational Licensure Act: "Breaking Down Barriers To Work." \(June 24, 2022\).](#)

<sup>26</sup> Comments in discussions with representatives from other states included the following regarding Arizona's law: "Race to the bottom"; "not effective"; "did not increase portability"; "Flash in the pan". See Appendix E – Conversation Notes with Other States.

essentially saying that they are treating applicants as if formal reciprocity agreements existed. For example, Indiana may license an applicant from Minnesota via universal licensure but an applicant from Indiana will not be granted the same opportunity because Minnesota does not have a ULR law.

While some states have kept their laws as originally passed, it is not uncommon for legislatures to rewrite, add, or remove provisions after seeing how they worked in practice; expand their reach to other professions; or try to keep up with other states that are more aggressive in their approaches. What is currently in effect often was the result of two or more bills passed over several years.<sup>27</sup>

### Misconceptions About Universal Licensure Laws

Universal licensure is often misunderstood to mean there is little to no oversight or verification that the individual needs to prove to begin working. To the contrary, even in ULR states, applicants still must meet requirements, and some states more stringent requirements than are already in existence in North Dakota. An individual state's law does not necessarily cover all licensed occupations and professions in the state. Indeed, many professions are exempted with no apparent connection between the professions (e.g., not all trade fields). Laws which cover most, if not all, licensed occupations and professions are the outlier. Targeting ULR to specific areas such as health care professions is more common. In addition, professions can be exempted for reasons such as federal oversight, Constitutional separation of powers issues for attorneys, lobbying efforts, and fragmented agency oversight. For example, Virginia's law currently covers professions and occupations under the Department of Professional and Occupational Regulation, and there is discussion about enacting legislation for the Department of Health.

Perhaps more enlightening in the Department's research is that ULR laws do not automatically guarantee faster licensure for applicants. Some newer laws include timelines, or executive action has been used to implement timelines, but an applicant is still beholden to the policies, procedures, and sometimes backlogs of the licensing entity.

### Board Autonomy vs. Umbrella Agencies

Just as every ULR law is different, each state implements its law differently. The 42 boards under the purview of the S.B. 2249 study are autonomous, subject of course to any legislative or judicial authority. Arizona, Ohio, and several other states operate similarly.<sup>28</sup> However, there are states in which government agencies hold the licensing power. In Vermont, for example, the Office of Professional Regulation has the decision-making authority and boards essentially serve in an

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<sup>27</sup> See Appendix D – Other State ULR Laws (October 18, 2024), which contains statutory language from each of the 26 states.

<sup>28</sup> Zach Herman, Policy Associate National Conference of State Legislatures. "[Occupational Licensing: State and National Trends](#)", Report given during Occupational Licensing Subcommittee Meeting, February 26, 2020.

advisory capacity. Pennsylvania's Bureau of Professional and Occupational Affairs also has the licensing and full rule-making authority. The other states function as a hybrid of the two.<sup>29</sup>

The variations were evident in the discussions with representatives from states with licensing agencies. For some, the administrative agency carries the most influence while the boards have little to no voice in rulemaking and only consider license applications that are non-routine, such as those with past or current disciplinary matters or criminal convictions. In a handful of states, particularly Vermont, the boards only serve in an advisory capacity. For others, boards do have authority in setting standards for licensure but are subject to constraints on that privilege and only consider non-routine applications.

Likewise, the power of the administrative agency and boards to set rules as prescribed by statute varied. For some, the agency carries the most influence while the boards have little to no say in rulemaking. For others, boards do get say in standard-setting but are subject to constraints on that privilege and only consider non-routine applications. This is significant because speaking with representatives from other states, it was noted more than once that certain aspects of laws are not intuitive but have been left to the discretion of the licensing entities or boards. Laws vary in how much leeway is given to agencies and boards to formulate the requirements for universal licensure or, if the statute lists them, to add details and specifications particular to professions and occupations.

Regardless of which entity holds the power (agency or board), a law meant to expedite licensure for out-of-state applicants can have the effect of contradicting its intent due to being too complex or having too many rules added by the agency or board.

For states where boards hold rulemaking authority, too many board-established requirements can increase the possibility of the ULR law being effectively nullified. This was mentioned in several conversations as having been the case, including in states where the administrative entity approves routine applications for licensure. An agency employee from one state believes this has made Arizona's law not as effective as it could have been. A few state agency staff members said that sometimes the boards must be reminded that the language of the statute trumps the rules.

Furthermore, there can be concerns about whether boards are acting out of concern for public protection versus protectionism from competition, and for the latter related concerns about association and union influence. It should be noted that this is an issue that is not exclusive to ULR laws, and agencies with rulemaking authority must also be made aware of over-regulating. In addition, in a handful of conversations it was said that occasionally a board was discovered to be refusing to implement expedited licensure or slow-walking rules changes.

Overall, the best outcomes were when there were enough criteria in statute to satisfy boards, associations, and legislators' concerns with respect to issues such as background checks and when

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<sup>29</sup> See "[Professional and Occupational Regulation: U.S. State Regulatory Structures](#)", Funded by the Occupational Licensing Policy Learning Consortium: the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center).

boards were granted enough leeway to set standards without rendering the law contradictory to its intent.

## Common Causes for Licensing Delays

Discussions with representatives from other states made it clear that delays in licensing applicants are often caused by factors not in the licensing entities' control, including:

- Incomplete or incorrect applications;
- Missing documentation, such as transcripts;
- Waiting for licensure verifications from other states;
- Fingerprints not received to complete a background check;
- Waiting for background check results; and
- Applicants who start the process but take weeks or months to finish and submit completed applications.

## Time to Licensure

ULR laws do not necessarily guarantee quick licensure at the back end, even when applications are fully complete and without any issues that may need special consideration, such as criminal history or a required exam that has not yet been taken. Issues such as no established timelines, staffing, backlogs, prioritizing certain applications over others, and high application and renewal volumes can contribute to delays in approving or denying licensure.

In addition, non-routine applications which need board consideration, such as those with disciplinary or criminal background issues or those which require an interview with the board, may face delays as applicants must wait for the board to meet, whether in a special meeting or at a regularly scheduled date. Applicants may also need to wait to take required exams or for approval at the next board meeting, which may be the next regular meeting if a special meeting is not called.

Some states with universal licensure laws have established timelines or requirements that routine applications without any issues must be acted upon within a specific number of days such as seven, 45, or 90. Some are set in statute, others by agencies. However, they are not necessarily set in stone. For example, Utah's Division of Professional Licensing sets a minimum threshold that 70% of applications be approved within seven calendar days.

The website for Vermont's Office of Professional Regulation says applications under its Fast-Track Endorsement take 3-5 business days for completed applications in most professions, with an additional 3-5 days from receipt if additional documentation is required. For most of the professions under the Office of Professional Regulation, administrators with the office approve licenses and very few receive board consideration. Florida's new law includes a requirement for routine applications to be approved within seven days. In other circumstances, executive action is taken to speed up the process. For example, in Pennsylvania, Governor Shapiro issued an Executive

Order requiring licenses be issued in a timelier manner and providing for a “money-back guarantee” if an applicant waits too long.<sup>30</sup>

## Licensure Requirements

ULR laws still have many similar fundamental verification requirements to obtain licensure in those states.

**Good Standing:** If person is using an out-of-state license to apply via universal licensure, every ULR law requires it to be in good standing. However, some states require not just that license, but all licenses held to be in good standing – meaning each of those states’ licenses must be verified and checked for pending or imposed disciplinary actions. Requirements for verification of only one license, all current licenses, or all licenses ever held also vary.

The following factors exist entirely or in part pursuant to statute or administrative rule in each state:

- Minimum length of licensure in another state;
- Whether to use “substantially equivalent” or within “scope of practice,” and what those entail;
- Minimum education requirements;
- Minimum work experience;
- If work experience can be used in lieu of education hours;
- Criminal history exclusions;
- What happens if a license has been revoked, suspended, placed under probation, etc., or an applicant is under active investigation;
- Jurisprudence or other exam requirement; and
- Background check/fingerprints.

While there are states which do not allow a license obtained via the ULR law to be used to enter a compact, Oklahoma is unique in that specifically states those licensed via its ULR law can only use the licenses in Oklahoma.

For all states, license revocation in another state will prevent application via universal licensure.

**Experience:** The number of years of experience to obtain licensure via the ULR law in a state differs as well. For individuals currently licensed in another state and for those whose current state does not require a license to practice their profession, there are varying requirements of minimum time licensed or experience to be granted a license via ULR laws in that state:

- More Than One Year (5): Florida (5 years), Nevada, Pennsylvania, Vermont, and Virginia
- One Year (11): Arizona, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, and Utah
- None Specified (10): Colorado, Georgia, Idaho, Indiana, Iowa, Montana, New Hampshire, New Mexico, South Dakota, and Wyoming

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<sup>30</sup> [Executive Order 2023-07](#), Commonwealth of Pennsylvania Governor’s Office (January 31, 2023).

**Substantially Similar/Equivalent vs. Scope of Practice Requirements:** Substantially similar requirements allow licensing entities to look at qualifications for licensure at the state level versus an individual-by-individual basis. Scope of practice encompasses the duties and tasks a person is permitted to perform based on his or her qualifications and the stipulations set forth by law and/or the licensing entity.

Qualifications include length of licensure, experience, education, and passage of examinations. Some states permit boards to determine “substantially equivalent” or what should be included in scope of practice while others grant the administrative agency that power. Even the organizations which study and advocate for universal licensure legislation do not always agree on whether to categorize a state as using scope of practice or substantially equivalent.<sup>31</sup> For example, Iowa can be classified either way because its law says, “The person is currently licensed, certified, or registered by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.”<sup>32</sup>

**No License/State Does Not License:** There are states with provisions for individuals who live in states which do not license an occupation or licensure occurs at a local level. A number of states’ laws include requirements to license those without a state-level license, or even no license at all, using parameters such as experience, education, hours worked, etc. Some have directed administrative entities or boards to promulgate rules to do so. For example, Pennsylvania will only license applicants via universal licensure if the licenses are issued by state entities. Massage therapists are not licensed statewide in Minnesota, so an individual who has been licensed and practicing in St. Paul since 2021 and decides to move to Pittsburgh could not use expedited licensure with the St. Paul license but would have to use another licensure path available in Pennsylvania.

Others will require those applicants to take another route to licensure, including via education. In some states the universal licensure route cannot be used if a profession is not licensed at the state level; the applicant must apply via the “normal” process or an alternate process if a state has more than two options.

**Expanding Universal Licensure Options:** States are recognizing the need to include work experience as part of the requirements for licensure, because it can be used in lieu of meeting educational requirements and for occupations which are not licensed in all states. States are also increasing recognizing the need for flexibility in things such as:

- Required hours for licensure, for example the requirement is 1000 hours but if an applicant has 800, that may be considered sufficient;
- Occupation and degree titles, for example the education and/or experience in one mental health discipline may be applicable for licensure in another;

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<sup>31</sup> Examples include Colorado, Georgia, Iowa, New Mexico, and Ohio. See AFPI: “[State Approaches to Universal Licensing Recognition](#)” (October 9, 2023); Institute for Justice: “[State Reforms for Universal Licensure Recognition](#)”; and West Virginia University: “[Policy Brief: 2024 Update to the Survey of Universal Licensing Reforms in the United State](#)” (July 2024).

<sup>32</sup> Justia: “[Licensure of persons licensed in other jurisdictions](#)” (2023).



- Establishing guidelines for consideration of applicants coming from jurisdictions which do not license various occupations and professions at the state level or at all;
- Consideration of foreign applicants (Two states, Pennsylvania and Utah, include applicants from foreign countries in their laws, but in conversations it was noted that the state agencies are still determining how that will work).

There is also the broader issue of licenses or certifications having different titles in different states or states not having equivalent licenses. For example, the North Dakota Board of Counselor Examiners has the Licensed Professional Clinical Counselor license, but other states title the practice differently. In discussions with state representatives, determining equivalency in these circumstances is a time-consuming process, and even if a licensing entity has established which of the U.S. states, territories, and the District of Columbia share equivalency they must keep abreast of any statutory or rules changes which could alter equivalency status.

## Recommendations

The goals of the study, pursuant to S.B. 2249, were to meet with Title 43 boards, the Board of Law Examiners, and the Education Standards and Practices Board to: (1) Identify more efficient practices for licensing out-of-state practitioners within three business days; and (2) Identify more efficient continuing education requirements, recognizing employer contributions and modern technology.

In reaching its recommendations, the Department considered many factors, including:

- Legislative goals;
- Gubernatorial goals;
- Licensing board expertise;
- Universal licensure laws from other states;
- Association and union feedback;
- Workforce needs;
- Public safety; and
- Technology.

The recommendations and supporting rationale include:

### 7-Day Licensure

Licensure within seven calendar days should be achievable by the boards provided caveats and external requirements are considered, as well as the unpredictability inherent in the licensing process. Staff turnover, holidays, leave, illness, or injury can temporarily impact a board's ability to expeditiously process applications. Many of the aforementioned circumstances impact boards with part-time or lone staff members greater than those with several staff members.

This timeframe should apply only to routine applications with no derogatory information. Meaning, if there are no concerns discovered and the applicant's licensing background is free from disciplinary actions, staff or designated board members would have delegated authority to approve those licenses. The timeframe should begin once the board receives a completed application, which should be statutorily defined. Too often boards receive partial applications, and applicants fail to respond to boards. The licensure verification process also ensures the applicant is not fleeing disciplinary action in another state.

Boards should also be encouraged to examine and amend or update restrictive language in statutes or rules which impede licensure for people who are otherwise fully qualified and consider whether they have licensure procedures which are outdated or create unnecessary barriers.

### Delegating Licensing Authority to Board Staff

Legislative amendments should be encouraged for boards that need or desire statutory authorization to delegate the approval of routine applications to board staff or a designated board member. The staff for many of the boards already have the delegated authority to approve routine applications

with no questionable information such as former or pending disciplinary actions. This authority has either been statutorily enacted or formally delegated by vote of the board. The boards that have delegated authority to staff are able to approve the routine applications quickly rather than hold the application in a pending status until the next board meeting, which can be several months. Understandably, the applications that have potentially concerning information should be heard before the boards, given that licensing boards are comprised of practitioners in the fields they regulate.

### [Border State Reciprocity](#)

Reciprocity agreements should be sought with all border states for professions that are substantially similar to the neighboring state. This solution would of course require the border states to mutually agree to the terms of the reciprocity agreement for the agreement to take effect.

### [Interstate Compacts](#)

Well-written and functional interstate compacts should be sought for all boards. The Department acknowledges there are not compacts available for every Title 43 board, competing compacts in existence for certain professions, and that some existing compacts are poorly drafted. Thus, to incentivize boards to explore compact options, it is recommended that boards which are part of an effective compact be exempted from all other requirements outlined in these recommendations. Doing so is also important given that a legislatively adopted compact defers to the requirements of the compact as the controlling mechanism for licensure and failure to abide by the compact terms can result in disciplinary action for that individual's license. This solution allows increased portability among states with one compact state license.

### [Equivalent Experience](#)

Boards should seek to permit licensure for equivalent experience, even if the profession is unlicensed or has different standards. Given the endless variations in many professions, this flexible solution allows boards to take into consideration experience rather than a rigid checklist of criteria. This solution creates possible avenues to licensure that recognize experience by the practitioner rather than class or course title, degree title, and written test scores. In other words, this solution recognizes that hands-on experience, while subjective, is valuable and should be considered as a tool to obtain licensure.

### [Electronic Applications](#)

Boards should, at a minimum, have a website with electronic applications available and an electronic means to submit applications. This inherently reduces the time to licensure by eliminating the time and unreliability of physically mailing applications and fees.

## [Licensing Software](#)

Boards with ineffective or no licensing software will need legislative funding to accomplish a reliable and effective tool for reducing the time to license out-of-state practitioners. This solution would also allow boards to provide immediate and ongoing reporting for all analytics related to their licensing activities. This is not a solution with immediate impact, but boards in need of it should receive the necessary support to implement this solution.

## [Virtual Continuing Education](#)

It was evident that there was strong resistance to reducing continuing education hours for professions that require it. Part of the rationale was that fields are constantly changing, particularly with advancements in the practice, AI, and modern threats to data security. In addition, most boards' continuing education requirements are in line with other states. To the extent it does not conflict with national certifications, interstate compact requirements, or other external requirements outside the control or authority of North Dakota, boards should at least permit virtual continuing education. It should be noted that some professions have continuing education requirements that can only meaningfully be completed through hands-on training. Excluding those understandable exceptions, the remaining lecture-based continuing education hours should be permitted to be completed virtually to reduce costs and time incurred for travel and attendance. Additionally, boards should also be encouraged to prorate required continuing education hours for those who are licensed partway through a licensing cycle.

## [Board Collaboration Forum](#)

This recommendation is one that need not be legislatively required. The study revealed that many boards tend to operate in silos with limited resources or collaboration. For that reason, the Department recommends the creation of a forum or other tool to which all board staff in the state have access. Standard resources could be readily available, such as the Attorney General's Open Records and Open Meetings Guidance or discussion channels to ask questions and share resources. It was also more difficult than it should have been to collect board contact information and a shared forum would maintain that necessary contact information.

## [Data Collection](#)

As noted in this report, the licensure data requested of boards was not useable for several reasons. As well, this data request was one of a series of requests boards have received over the years. To provide consistency for boards and curtail unexpected data requests, the Legislature should consider establishing a requirement for boards to track and report data on an annual basis to an entity of the Legislature's choosing, including some or all of the following:

- Number of individuals licensed for each profession or occupation;
- Numbers of in-state and out-of-state applicants;
- Number of renewals;
- Date application completed;

- Date BCI background check submitted (if applicable);
- Date BCI check returned (if applicable);
- Date temporary license issued (if applicable); and
- Date license issued.

## Conclusion

The preceding recommendations are certainly not without challenges to successfully implement. Based on the information learned through the course of this enlightening and educational study, however, achieving these recommendations would reduce barriers, create a modernized solution to licensure, and drive North Dakota to be one of the least restrictive, most efficient, and most functionally operable occupational licensure states in the nation. Most importantly, it does so without jeopardizing public safety and while maintaining independence by the boards as experts in their fields.

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Board of Registration for Professional Soil

Classifiers of North Dakota

North Dakota Board of Addiction Counselors

North Dakota Board of Barber Examiners

North Dakota Board of Counselor Examiners\*

North Dakota Board of Examiners for

Nursing Home Administrators\*

North Dakota Board of Massage Therapy\*\*

North Dakota Board of Nursing\*

North Dakota Board of Podiatric Medicine\*\*

North Dakota Board of Veterinary Medical

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Licensure Board

North Dakota Private Investigation and

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North Dakota Real Estate Commission\*\*

State Board of Accountancy\*\*

State Board of Chiropractic Examiners\*\*

State Board of Dental Examiners\*

State Board of Examiners on Audiology and

Speech-language Pathology

State Board of Integrative Health Care

State Board of Occupational Therapy\*

State Board of Pharmacy\*

State Board of Respiratory Care\*\*

North Dakota Board of Abstract Examiners\*\*

North Dakota Board of Athletic Trainers\*

North Dakota Board of Clinical Laboratory

Practice\*\*

North Dakota Board of Dietetic Practice\*

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Dispensers

North Dakota Board of Medicine\*\*

North Dakota Board of Physical Therapy

North Dakota Board of Social Work

Examiners\*

North Dakota Education Standards and

Practices Board\*\*

North Dakota Medical Imaging and

Radiation Therapy Board\*\*

North Dakota Real Estate Appraiser

Qualifications and Ethics Board\*\*

North Dakota Reflexology Board

State Board of Architecture and Landscape

Architecture\*

State Board of Cosmetology

State Electrical Board\*

State Board of Funeral Service

State Board of Law Examiners\*

State Board of Psychologist Examiners\*  
State Board of Plumbing\*\*  
State Board of Water Well Contractors\*\*

State Board of Optometry  
State Board of Registration for Professional  
Engineers and Land Surveyors\*

\* Boards that returned the requested licensure data as they were able and if they had out-of-state applicants during that period.

\*\* Boards that returned data and application forms plus additional supplemental information.

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North Dakota Association for Behavior  
Analysis  
North Dakota Association of Realtors  
North Dakota Board of Examiners for  
Nursing Home Administrators  
North Dakota CPA Society  
North Dakota Land Title Association  
North Dakota Society of Radiological  
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North Dakota Counseling Association  
North Dakota Dental Association  
North Dakota Dental Association  
North Dakota Pharmacists Association  
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