

68th Legislative Assembly
Regular Session (2023)

S.B. 2249

House Industry, Business and Labor Committee

Rep. Scott Louser, Chairman
Rep. Mitch Ostlie, Vice Chairman

Testimony of Nathan Svihovec

Commissioner of Labor
N.D. Department of Labor and Human Rights

NEUTRAL

March 14, 2023

I. Introductory Summary

Chairman Louser, Vice Chairman Ostlie, and members of the House Industry, Business & Labor Committee, my name is Nathan Svihovec and I was appointed as the North Dakota Department of Labor and Human Rights Commissioner beginning December 2022. I am a licensed attorney in the State and prior to my appointment, primarily practiced in labor and employment law as well as other civil litigation areas. I am fortunate to have formerly represented several North Dakota state boards as an Assistant Attorney General and a Special Assistant Attorney General in private practice.

Chapter (Ch.) 34-05 of the North Dakota Century Code (N.D.C.C.) created the North Dakota Department of Labor and Human Rights and delineates the powers and duties of the Commissioner of Labor (Labor Commissioner). The Department's statutory duties can be most concisely summarized as ensuring citizens can live, work, and prosper in North Dakota. Given the broad duties of the Department, administration of boards and continuing learning could fall within its duties.

II. Bill Summary

Pursuant to the plain language of S.B. 2249, the bill aims to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. The bill is primarily a study directing the Labor Commissioner to meet with Title 43 Boards, the Education Standards and Practices Board ("ESPB"), and the State Board of Law Examiners ("SBLE") over the next biennium to address board administration, continuing education, and licensure of out-of-state applicants. The goal

of the meetings is to establish a strategy to license out-of-state practitioners within 72 hours of application and to revise continuing education requirements.

The study further directs the Labor Commissioner to periodically provide Legislative Management with status reports during the 2023-2024 interim. Legislation for the 69th Legislative Assembly is to be prepared and requested by the Labor Commissioner pursuant to the study findings.

III. Current Board Statistics

Currently, there are approximately 41 boards under Title 43 that oversee an estimate 60+ licensed professions. The total number of boards subject to the study is approximately 43 including the State Board of Law Examiners and the Education Standards and Practices Board. The composition of each board varies and can be seen in **Exhibit 1** to this testimony.

Not all boards have continuing education requirements. For those that do, the continuing requirements can be seen in **Exhibit 1**.

Furthermore, several boards have entered interstate compacts ("Compacts"), which recognizes professional licenses of those states subject to the Compacts. **Exhibit 1**.

IV. Coordination with Department of Commerce – Workforce Development Council

The Workforce Development Council has already collected significant data on this subject. North Dakota is a member of the Council of State Governments (CSG), which is a non-partisan membership organization established in the 1930s. They have received a USDOL grant to conduct general research regarding occupational licensure. Resources available through CSG include the federal movement on legislation related to occupational licensure with

a focus on interstate compacts. They are working on developing interstate compacts to allow a more seamless and streamlined process for occupational licensure transfers.

V. Recommended Amendments

The sole recommendation for this Committee is that, if it chooses to proceed with this bill, some stricter board compliance for the study should be included. My understanding of the past study is that approximately 15 boards failed to respond to the study and many responded without urgency.

VI. Fiscal Impact

An estimated \$20,000 would be needed to fund a third party for data collection and report generation. At this time, I do not anticipate needing additional FTEs during the 2023-2024 interim. Depending on the study results, however, an estimated eight FTEs would be needed to process licensure applications for all boards and commissions subject to this bill.

VII. Conclusion

Thank you for your service to North Dakota and I look forward to addressing any questions you may have.

Exhibit 1
 N.D.C.C. Title 43 Summary
 Membership and Continuing Learning Education Requirements

	Board	Members	CLEs	References
1	Abstractors' Board of Examiners	3	18/3	§ 43-01-02; § 2-02-01-01
2	State Board of Accountancy	5	120/3	§ 43-02.2-03; § 3-03-01-01
3	State Board of Architects and Landscape Architects ¹	3	-	§ 43-03-03; § 8-04-01-04
4	State Board of Barber Examiners	3	6/2	§ 43-04-04; § 14-3-03-01
5	N.D. Board of Podiatric Medicine	6	60/3	§ 43-05-03; § 63-03-02-01
6	State Board of Chiropractic Examiners	7	20/1	§ 43-06-03; § 17-03-02-01
7	Contractors (SOS is Registrar)	-	-	§ 43-07-01
8	State Electrical Board	5	8/1	§ 43-09-02; § 24.1-04-01-01
9	Stata Board of Funeral Services	4	0	§ 43-10-02; § 25-02-03 (repealed)
10	Pre-Need Funeral Services	-	-	§ 43-10-03
11	State Board of Cosmetology	5	?	§ 43-11-03; § 32-05-01-03
12	State Board of Nursing	9	400/4	§ 43-12.1-05; § 54-02-05-05.1; § 54-02-05-08
13	Health Care Professional Student Loan Repayment Program (Health Council administers)	-	-	§ 43-12.3-01
14	Nurse Licensure Compact	-	-	Ch. 43-12.4
15	Advanced Practice Registered Nurse Licensure Compact	-	-	Ch. 43-12.5
16	State Board of Optometry	7	40/2	§ 43-13-03; § 56-02-02-01(2)
17	State Board of Pharmacy	7	15/1	§ 43-15-03; § 61-03-04-02
18	Wholesale Drug Distributors (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.1
19	Legend Drug Donation and Repository Program (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.2
20	Wholesale Drug Pedigree (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.3
21	Veterinary Prescription Drugs (Bd. of Pharmacy Oversees)	-	8/1	§ 43-15.4-07; § 43-15.4-06

¹ The Board adopted CLARB requirements in 2005. It is unclear if CLARB has any requirements for continuing learning but its website indicates the Board possesses the continuing learning requirements.

22	Physicians, Resident Physicians, and Physicians Assistants (Bd. of Medicine Oversees)	13	60/3	§ 43-17-03; § 50-04-01-01
23	Board of Medicine Investigative Panels (Bd. of Medicine Oversees)	-	-	Ch. 43-17.1
24	Physician Health Program (Bd. of Medicine Oversees)	-	-	Ch. 43-17.3
25	Interstate Medical Licensure Compact	-	-	§ 43-17.4-01
26	Plumbers	6	-	§ 43-18-02
27	Water Conditioning Contractors and Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.1
28	Sewer and Water Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.2
29	Professional Engineers and Land Surveyors	5	30/2	§ 43-19.1-03; § 28-04-01-03
30	Dental Hygienists and Assistants (Bd. of Dentistry Oversees)	-	16/2	Ch. 43-20; § 20-04-01-08
31	State Real Estate Commission	5	12/1	§ 43-23-01; § 70-02-04-02
32	Subdivided Lands Disposition Act (State Real Estate Commission Oversees)	-	-	Ch. 43-23.1
33	Real Estate Education Fund (State Real Estate Commission Oversees)	-	-	Ch. 43-23.2
34	Real Estate Appraiser Qualifications and Ethics Board	5	28/2	§ 43-23.3-02; § 101-04-01-01
35	Appraisal Management Companies (Real Estate Appraiser Qualifications and Ethics Bd. Oversees)	-	-	Ch. 43-23.5
36	Massage Therapists	5	24/2	§ 43-25-05; § 49-01-02-05; § 42-25-09(2)
37	Physical Therapists	7	25/2	§ 43-26.1-02; § 61.5-03-01
38	Physical Therapy Licensure Compact	-	-	§ 43-26.2-01
39	Dentists	9	32/2	§ 43-28-03; § 20-02-01-06
40	Dentists' Loan Repayment Program	-	-	Ch. 43-28.1
41	Veterinarians	5	24/2	§ 43-29-02; § 87-02-01-02
42	Veterinarian Loan Repayment Program	-	-	Ch. 43-29.1
43	Investigative and Security Services	5-11	-	§ 43-30-03;
44	Detection of Deception Examiners (Attorney General Oversees)	-	-	Ch. 43-31
45	Psychologists	7	40/2	§ 43-32-02; § 66-03-01-02
46	Hearing Aid Dealers (Bd. of Hearing Aid Specialists Oversees)	4	10/1	§ 43-33-15; § 43-33-11; § 104-05-01-01

47	Nursing Home Administrators	9	20/1	§ 43-34-02; § 55-02-01-12
48	State Board of Water Well Contractors	7	12/2	§ 43-35-03; § 90-01-03-06
49	Professional Soil Classifiers	5	-	§ 43-36-02
50	Audiologists and Speech-Language Pathologists (Bd. of Examiners on Audiology and Speech-language Pathology)	8	10/1	§ 43-37-05; § 11-02-01-06
51	Electrologists and Electronic Hair Removal Technicians (State Health Council Oversees)	-	-	Ch. 43-38
52	Athletic Trainers	5	-	§ 43-39-02; § 106-02-01-04
53	Occupational Therapists	5	20/2	§ 43-40-04; § 55.5-02-01-04(1)
54	Social Workers	7	30/2	§ 43-41-08; § 75.5-02-03-07
55	Respiratory Care Practitioners	7	10/1	§ 43-42-02; § 105-02-01-04
56	Environmental Health Practitioners (Advisory Bd./Dept. of Health Oversees)	3	?	§ 43-43-04; § 33-30-02-02
57	Dietitians and Nutritionists	5	75/5	§ 43-44-02; § 20.5-02-01-01
58	Addiction Counselors	7	40/2	§ 43-45-02; § 4.5-02.1-02-02
59	Peer Assistance Entity Agreements	-	-	Ch. 43-46
60	Counselors	5	30/2	§ 43-47-02; § 97-02-01-06
61	Clinical Laboratory Personnel	7	20/2	§ 43-48-05; § 96-02-04-01
62	Reflexologists	3	1/3	§ 43-49-02; § 43-49-09
63	Occupational Licensee Database	-	-	Ch. 43-50
64	Professional and Occupational Licensing	-	-	Ch. 43-51
65	Interpreters	-	-	Ch. 43-52
66	Marriage and Family Therapy Practice	5	30/2	§ 43-53-04; § 111-02-01-06
67	Home Inspectors	-	-	Ch. 43-54
68	Professional Employer Organizations (Sec. of State Oversees)	-	-	Ch. 43-55
69	Integrative Health Care	5	32/2	§ 43-57-02
70	Naturopaths (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-02-03-01
71	Music Therapists (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-03-01-09
72	Genetic Counseling (Bd. of Medicine Oversees)	-	?	§ 43-60-05 (ABGC/ABMG)
73	Acupuncturists (Integrative Health Care Bd. Oversees)	-	30/2	§ 112-04-03-01

74	Medical Imaging and Radiation Therapy	9	6/1	§ 43-62-04; § 114-02-02-04; § 43-62-14.1
75	Behavior Analysts (Integrative Health Care Bd. Oversees)	-	32/2	§ 112-05-01-10
76	Education Standards and Practices Board	6	Varies	Ch. 15.1-01; N.D. Admin Code Ch. 67.1-02
77	State Board of Law Examiners – Commission for Continuing Legal Education	7	45/3	N.D.R. Continuing Legal Ed. 2; N.D.R. Continuing Legal Ed. 3