

2025 SENATE WORKFORCE DEVELOPMENT

SB 2395

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2395
2/21/2025
9:00 A.M.

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

9:00 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Character and fitness investigations amendment
- Clean applications
- State licensure umbrella model
- Study criteria
- Separation of powers

9:01 a.m. Senator Hogue introduced the bill and submitted testimony #38041 and #38297.

9:09 a.m. Nathan Svihovec, testified in favor and submitted testimony #38273, #38274, #38275, #38276, and #38277.

9:50 a.m. Mark Hardy, Executive Director of ND Board of Pharmacy, testified in favor and submitted in favor #38284.

9:55 a.m. Kyle Martin, Director of ND Board of Nursing, testified in favor and submitted favor #38291.

9:56 a.m. Sandra DePountis, Executive Director of ND Board of Medicine, testified in favor and submitted testimony #38247.

9:58 a.m. David J. Schaibley, Executive Director of ND State Board of Dental Examiners, testified in favor and submitted testimony #38268.

10:03 a.m. Mari B. Riehl, Assistant Director of ND Education Standards and Practices Board, testified in favor and submitted testimony #38241.

10:04 a.m. Scott Porsborg, Board Member for State Board of Law Examiners, testified in opposition and submitted testimony #38270.

10:09 a.m. Petra Mandigo Hulm, Secretary-Treasurer of State Board of Law Examiners, testified in opposition and submitted testimony #38269.

10:11 a.m. Mandy Harlow, Executive Director for the North Dakota State Board of Accountancy, testified in opposition and submitted testimony #38084 and #38309.

10:17 a.m. Conor Norris, Director of Labor Regulation for The Knee Regulatory Research Center, testified in neutral and submitted testimony #37750.

Additional written testimony:

Shauna M Erickson-Abou Zahr, Vice President of ND Board of Marriage and Family Therapy, submitted testimony in opposition #37973.

Holly Blomquist, Executive Director, Board of Cosmetology submitted testimony in neutral #38181.

Sherre Sattler, Executive Director of North Dakota CPA Society, submitted testimony in opposition #38259.

Michael Howe, Secretary of State, North Dakota Secretary of State, submitted testimony in neutral #38285.

10:19 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk



North Dakota Should Open the Door to Skilled Workers

Conor Norris

Director of Labor Policy, Knee Regulatory Research Center at West Virginia University

Senate Workforce Development Committee

February 21, 2025

Chair Wobbema, Vice Chair Axtman, and all distinguished members of the Senate Workforce Development Committee:

Thank you for allowing me to testify on licensing reform in the state of North Dakota. I am the director of labor policy at the Knee Regulatory Research Center at West Virginia University. The main takeaways of my comments are the following:

1. North Dakota has a tight labor market, making it difficult for businesses to fill job openings.
2. Research shows that state-level occupational licensing restricts geographic mobility by 7 percent.
3. Recognizing the experience of out-of-state workers is an excellent way to attract workers to the state without putting consumers at risk.

North Dakota is in a strong economic position, and policymakers should be commended for setting the state up for prosperity. North Dakota has a relatively strong labor market: in December, the unemployment rate was well below the national average and the labor force participation was above the national average.¹

Unfortunately, employers in North Dakota are having a hard time finding the workers they need to fill their current job openings. North Dakota has one of the most severe worker shortages in the nation. With 30 available workers for every 100 job openings in the state, the inability of businesses to fill openings is holding back North Dakota.²

We estimate that 22 percent of workers in North Dakota require a license to work, one of the highest in the nation.³ Licensing is the most stringent form of professional regulation. These laws forbid professionals from working until they meet licensing requirements. Education, hands-on

¹ Lindsay Cates and Stephanie Melhorn, *Understanding America's Labor Shortage: The Most Impacted States*. (US Chamber of Commerce. December 13, 2024).

² *Understanding America's Labor Shortage*.

³ Morris M. Kleiner and Evgeny S. Vorotnikov, *At What Cost? State and National Estimates of the Economic Costs of Occupational Licensing* (Arlington, VA: Institute for Justice, 2018).

training, and exams create barriers to entry into a profession. Research estimates that it reduces the supply of professionals by about 25 percent.⁴

Because licensing laws are the responsibility of states, they also create a barrier to entry for those considering a move to another state. Relocating often entails reapplying for a license, taking state-specific exams, and, in some cases, completing additional education or training. Moving is already a hassle, and licensing can make it even worse. Overall, licensed professionals are 7 percent less likely to move to a new state.⁵

It does not only impact licensed professionals. In two-income households, a professional who does not require a license may still decide not to move if their spouse needs to go through a long relicensing process.

Twenty-six other states have passed similar reforms to SB 2395. Arizona, an early adopter of the reform to recognize out-of-state licenses, has already seen beneficial effects from enacting this legislation. An estimated 6,500 or more skilled workers have moved to Arizona since passage of the reform.⁶ States with universal recognition laws not only see increased employment, but they also see increased economic output.⁷

This would allow someone who has demonstrated their competence by working for years to obtain a license without being forced to undergo duplicative education and training.

This bill would also offer an alternative pathway to licensure, allowing experience to count when the applicant is moving from a state that does not license their profession. Ten states accept relevant experience when the applicant is moving from a state without a license requirement. Thus far, we have no reports of issues caused by this reform.

Given the difficulties of finding available workers faced by North Dakota businesses, forcing new residents to complete arbitrary hurdles to begin working is especially costly. Allowing professionals to bring their experience with them increases worker mobility while leaving consumer protections in place. This is no silver bullet to alleviate hiring difficulties, but a commonsense reform to help those looking to move to North Dakota.

Cener Norris

⁴ Peter Blair and Bobby Chung, "How Much of Barrier to Entry is Occupational Licensing?," *British Journal of Industrial Relations* 57, no. 4 (2019): 919–43

⁵ Johnson, Janna E., and Morris M. Kleiner. "Is occupational licensing a barrier to interstate migration?." *American Economic Journal: Economic Policy* 12, no. 3 (2020): 347-373.

⁶ Curry, Heather, and Vance Ginn. "Thousands Free to Work: The Power of Universal Recognition in Arizona." Goldwater Institute Policy Report. (2023).

⁷ Bae, Kihwan, and Edward Timmons. "Now you can take it with you: Effects of occupational credential recognition on labor market outcomes." (2023).

Prepared Testimony of the North Dakota Board of Marriage and Family Therapy

Testimony in Opposition to SB 2395

Chairman Wobbema and Members of the Committee:

This testimony is prepared on behalf of the North Dakota Board of Marriage and Family Therapists following a special meeting to discuss this bill. We, the board, are asking you to vote in opposition to SB 2395 or in support with the below modifications. Our board has multiple concerns over what moving towards a composite board would mean for the citizens of North Dakota to be outlined below.

1. First concern is the 7 days to issue a license. This would be an extremely short time frame in comparison with bordering states. The Board of Marriage and Family therapists meets on a quarterly basis unless special requirements call for a special meeting. This board is made up of professional therapists with full time jobs that volunteer for the board to provide service to our state. To call them out of their roles to issue a license within 7 days is an unreasonable ask that would disrupt their service to North Dakotans. It would be reasonable to have this number be 30 days to allow for these volunteer members to gather for special meetings and have a quorum to grant licenses.
2. Under number 5 of the proposed bill there is a new requirement on license data. This appears to be an attempt to increase management of volunteers in our state whom are experts in their professions. It is often already difficult to get skilled members to join the board, and this additional requirement would exacerbate this. Our boards do not need increased outside micromanagement.

We owe it to our board members to keep holding these volunteer positions as streamlined with as few burdens as possible so that they can focus on keeping North Dakotans safe via their expertise in each unique professions' board. Please vote against SB 2395 or amend with above changes.

Respectfully,



Shauna Erickson-Abou Zahr M.S., LMFT on behalf of North Dakota Board of Marriage and Family Therapy
Vice President of the North Dakota Board of Marriage and Family Therapy

25.1374.01001
Title.

Prepared by the Legislative Council
staff for Senator Hogue
February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2395

Introduced by

Senator Hogue

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

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Applicant" means an individual who has submitted a completed application, including
9 all documentation and fees necessary for the board to consider licensing the
10 individual.
- 11 2. "Application" means the process and all required documentation necessary for the
12 board to consider licensure of the applicant.
- 13 3. "Board" means a board, commission, or other agency of state government created or
14 identified in this title to regulate a particular occupation or profession, the education
15 standards and practices board, and the state board of law examiners.
- 16 4. "Effective interstate compact" means the minimum number of states necessary for the
17 interstate compact to become operative have enacted the interstate compact.
- 18 5. "Interstate compact" means a legislative enactment to recognize and facilitate the
19 portability of occupational licenses across state lines.

6. "License" means the authorization by a board to practice an occupation or profession under state law or any other authority by which individuals are licensed in the state.

7. "Occupation or profession" means activity for which a license is required from a board or similar activity for which a license is required in another state or jurisdiction.

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

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

Uniform Licensure Universal licensure.

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

1. Actively has used the license for two of the three years immediately preceding submitting an application under this section;
2. Provides or demonstrates competency and education in the profession or occupation through methods determined by the board;
3. Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license to practice that profession or occupation in this state unless the board determines, in its discretion, the act is not an impediment to the granting of a license to practice in this state;
4. Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years;
5. Is not under an active investigation by another licensing authority or law enforcement authority in a state, federal, or foreign jurisdiction;

6. Submits to a state and federal criminal background check, paid for by the applicant, and conducted in the manner provided under section 12-60-24 if required by the board and the board has statutory authority to repeat the background check; and
7. Pays the fees established by the board.

Board operations.

1. A board shall issue a license within ~~seventen~~ business days to an individual who submits a complete, unencumbered, routine application. This section does not apply to processing applications through an effective interstate compact or an executed license transfer agreement. Boards subject to an effective interstate compact shall issue a license in a timely manner.
2. A board may grant authority to staff or selected board members to issue a provisional or temporary license between board meetings to an applicant seeking permanent state licensure if the application is routine, complete, and meets all the requirements for licensure. To the extent this provision conflicts with any existing limitations on such delegated authority, this provision supersedes those limitations.
3. The licensing application form must be made available electronically.
4. As part of a complete application, a board may require an individual seeking licensure in this state to pass a jurisprudence examination on North Dakota law applicable to the licensed profession. If the examination is a requirement for licensure, ~~and the examination is administered by the board,~~ the examination must be made available at least once per month. The board may adopt limits on examination attempts.
5. By July thirty-first of ~~each year~~2026 and 2027, on forms developed by the department of labor and human rights, each board shall report to the labor commissioner data on the number of licenses granted, number of licenses denied, number of licenses that were not issued within the ~~seven-day~~ten-day timeline, and reason for the delay for licenses issued after the ~~seven-day~~ten-day timeline.
6. Unless already a member of an effective interstate compact, a board shall annually review available interstate compacts in professions it regulates to determine whether joining the interstate compact would be in the best interest of the profession and state, giving consideration to workforce shortages and evolving trends in occupation licensure and technology. The review must be noted clearly in the board's agenda and

1 meeting minutes and the board must provide the labor commissioner with a copy of
2 the considered compact and the board's reason for determining that entering the
3 interstate compact was not in the best interests of the profession.

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

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

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

12 ~~10. The department of labor and human rights shall maintain on its website information~~
13 ~~regarding board resources, board member and staff contact information, and a~~
14 ~~message board for members and staff to engage in discussion channels as needed to~~
15 ~~identify trends and best practices for occupational licensure.~~ Unless otherwise provided
16 by law, the governor shall appoint members of a board and may remove members for
17 cause, misconduct, incapacity, or neglect of duty. After expiration of a term, a board
18 member may continue to serve until the governor makes an appointment to fill the
19 position.

20 11. An applicant aggrieved by a licensure delay shall first try to resolve the matter with the
21 board. If the matter cannot be resolved, the applicant may bring the matter to the office
22 of the governor. Each board shall provide information on its website or initial licensure
23 application regarding how to contact the office of the governor in the event a matter
24 between the applicant and the board cannot be resolved.

25 ~~Alternative pathways to licensure:~~

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



Board of Accountancy

SENATE WORKFORCE DEVELOPMENT
FEBRUARY 21, 2025

TESTIMONY OF MANDY HARLOW
NORTH DAKOTA BOARD OF ACCOUNTANCY
SENATE BILL 2395

Chairman Wobbema and members of the Committee.

My name is Mandy Harlow, and I serve as the executive director for the North Dakota State Board of Accountancy. I am appearing today on behalf of the Board to provide information and testimony in opposition to Senate Bill 2395, as currently written. The Board does not oppose the intentions behind the bill, but rather, has specific concerns with three areas of the bill.

First, the Board of Accountancy is proud of the mobility it offers licensees, and the ease by which applicants can work or be licensed in North Dakota. The Board is concerned the “uniform licensure” section of the bill will lessen the mobility it currently offers. Page 2, lines 10 through 12 of the bill would require the Board to issue a license if applicant meets requirements outlined by the bill, “unless the state is part of an effective interstate compact, an executed license transfer, or reciprocity agreement with another state....”

The CPA profession does not have an interstate compact, and the state of North Dakota is not part of an executed license transfer, or reciprocity agreement. But the CPA profession does have “substantially equivalent mobility” through section 43-02.2-04.1 of the North Dakota Century Code. Mobility allows a licensed CPA in good standing to

practice outside of his or her state of licensure without obtaining another license. The CPA must hold an active unrestricted CPA license from a state with a substantially equivalent standard of practice. Since 2014, all states, including Puerto Rico and the Virgin Islands, have had substantial equivalency mobility. North Dakota has also offered firm mobility since 2008.

The Board of Accountancy already offers easy mobility for licensees moving in and out of the state, but it is not part of an interstate compact, an executed license transfer, or an express reciprocity agreement. Because the Board is not a part of one of these entities, and instead, eases mobility through statute, the Board is concerned it would need to follow the seven steps outlined in the bill, which may make licensure more strenuous on applicants and the Board.

The Board would request the bill be amended to add “offers existing interstate mobility laws” to the list of reasons a Board may be excluded from the requirements of the uniform licensure section of the bill. This would allow the Board to continue to provide licensee mobility as it has for years.

Second, the Board has no authority to offer licensing examinations monthly, as required by section 4 of the Board Operations portion of the bill. The examination for CPA licensure is offered in four parts, and the Board cannot force a student to take all of the examination in a single month. Further, the Board itself does not offer the examination, it is offered through a national organization. The Board cannot control how frequently the four portions of the examination are offered. The Board proposes this section be

amended to clarify that if examinations are administered by the board, they must be available at least once per month.

Finally, the Board disagrees with the Alternative Pathways to Licensure section on page 4, lines 10-13. North Dakota Century Code charges the Board with protecting the public interest by prescribing and assessing the qualifications of licensees and regulating the conduct of practitioners of public accountancy. Public interest requires that persons professing special competence in accountancy have demonstrated or maintained their qualifications to do so. See N.D.C.C. 43-02.2-01. The Board opposes this section as it could result in individuals without enough relevant experience or the minimal level of education doing accounting work in North Dakota. The Board is also concerned that without uniform examination, it will be unable to assess applicants who follow an “alternative pathway,” to ensure they have demonstrated their qualifications as a practitioner of public accountancy, as required by law. The Board would request an amendment striking this section from the bill completely.

In conclusion, the Board does not oppose the idea behind this bill, but merely requests amendments to ensure that it can keep providing applicants and licensees with statutorily substantial equivalency mobility as it has for years, can continue to assess applicants through national examinations, that it can protect the public interest from harmful accounting practices. Included in my written testimony is a proposed amendment reflecting the changes the Board is seeking. Thank you for your time and consideration, and I would stand for any questions.

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2395

Introduced by

Senator Hogue

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- 22 7. "Occupation or profession" means activity for which a license is required from a board
23 or similar activity for which a license is required in another state or jurisdiction.

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3 government agency in another state or jurisdiction in the United States which imposes
4 requirements for obtaining and maintaining the license, certificate, or permit, which are
5 comparable to the requirements imposed in this state to obtain and maintain a license
6 to practice the same profession or occupation.

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

9 **Uniform Licensure.**

10 Unless the state is part of an effective interstate compact, an executed license transfer, ~~or~~
11 reciprocity agreement with another state, ~~or offers statutory substantial equivalency mobility,~~ a
12 board shall issue a license to an out of state licensee applicant to practice in this state if, upon
13 application to the board, the applicant:

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

30 **Board operations.**

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

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

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

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

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

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

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22 joining the interstate compact would be in the best interest of the profession and state,
23 giving consideration to workforce shortages and evolving trends in occupation
24 licensure and technology. The review must be noted clearly in the board's agenda and
25 meeting minutes and the board must provide the labor commissioner with a copy of
26 the considered compact and the board's reason for determining that entering the
27 interstate compact was not in the best interests of the profession.

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

- 1 8. Unless otherwise specifically authorized by other laws or rules of the board, all
2 continuing education requirements for licensure renewal must include the ability to
3 complete all required continuing education hours by virtual or remote means.
- 4 9. A board may assist in providing education or resources for a licensee or an individual
5 interested in pursuing the regulated occupation or profession.
- 6 10. The department of labor and human rights shall maintain on its website information
7 regarding board resources, board member and staff contact information, and a
8 message board for members and staff to engage in discussion channels as needed to
9 identify trends and best practices for occupational licensure.

~~10 — Alternative pathways to licensure.~~

~~11 — Biennially, each board under title 43 shall consider options to provide limited licensing to an~~
~~12 — individual with relevant experience who has not previously held an equivalent license of the type~~
~~13 — issued by the board.~~



North Dakota STATE BOARD OF COSMETOLOGY

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Testimony SB 2395, February 21, 2025 – Neutral after amendments

Chairman Wobbema and Members of the Workforce Development Committee,

My name is Holly Blomquist, Executive Director for the Board of Cosmetology, and I am here today to provide neutral testimony on SB 2395. While I appreciate the bill's intent to streamline the licensing process and promote workforce mobility, I would like to highlight a concern regarding the electronic availability of licensing applications. (Page 3, line 16)

The bill rightly ensures that licensing application forms are made available electronically, improving accessibility for applicants. However, it does not provide direction on how these applications should be submitted. Without clear guidance or a secure submission process, there is a significant risk that applicants will send forms and documents containing personally identifiable information (PII) through unsecure channels such as email or unprotected file uploads. This poses a serious security threat, potentially exposing sensitive data to unauthorized access, identity theft, or other cyber risks.

To mitigate this risk, I respectfully urge you to consider adding provisions that establish secure electronic submission methods that meet NDIT security protocols. This could include the use of board licensing software, encrypted portals, or other secure document transmission technologies. Implementing such safeguards will not only protect applicants but also reinforce public trust in the licensing process. It is also worth noting that many licensing boards may face increased costs in implementing these secure systems.

I appreciate the opportunity to testify on SB 2395 in a neutral capacity.

Sincerely,
Holly Blomquist
Executive Director, Board of Cosmetology



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Testimony Senate Bill 2395
Senate Workforce Development Committee
February 21, 2025
Education Standards and Practices Board

Good morning, Chairman Wobbema and members of the committee. My name is Mari Riehl, and I am the Assistant Director of the Education Standards and Practices Board (ESPB). I am here to present testimony in support of Senate Bill 2395 as amended. Our Board appreciates the work completed by the Department of Labor this past biennium to closely examine regulatory and licensing board as required by Senate Bill 2249. ESPB, along with several other boards, was part of the DOL's Occupational Licensure Advisory Committee (OLAC) and collaboratively provided information and clarification into ESPB board functions.

The results of this study are outlined in Senate Bill 2395 which summarizes consistent processes and expectations for all boards. The requirements outlined in the bill align with those of ESPB. For example, we issue licenses within days once all materials are received, our applications are electronic on a NDTech platform shared with the Department of Public Instruction (DPI), and continuing education credits can also be accessed electronically. ESPB was honored to participate in the study the past biennium and appreciate the efforts in this bill to promote consistent and reasonable expectations for all boards.

This concludes my testimony, and I stand for any questions.

Mari Riehl

mbriehl@nd.gov



**BOARD OF
MEDICINE**

Established 1890

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SENATE WORKFORCE DEVELOPMENT COMMITTEE
FEBRUARY 21, 2025

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2395

Chair Wobbema, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to provide testimony in support of Senate Bill 2395 **as amended**.

The Board of Medicine appreciates all the work done by the Department of Labor this last biennium implementing Senate Bill 2249 and reviewing regulatory and licensing boards in the state. The study was thoughtfully done with continued requests for Board collaboration and input. The Board of Medicine was a part of DOL's Occupational Licensure Advisory Committee (OLAC) and consistently provided information and insight into Board operations as it related to the Board of Medicine.

Senate Bill 2395 is the result of this study and outlines the expectations of all boards to implement consistent standards. The Board of Medicine already implements most of these provisions – licenses are issued within days of a completed application, provisional licenses are issued in between Board meetings, continuing education requirements were addressed during the 2023 legislative session to be less burdensome to licensees, and all our forms and applications are readily accessible online. The Board would like to thank Senator Hogue for his thoughtful amendments to this bill to clarify the law and remove the last provision which required the Board to consider unlicensed experience in lieu of legislatively enacted standards for licensure in health care professions under the Board's jurisdiction.

Thank you for your time and attention and I would be happy to answer any questions.

Mission Statement

The Board's mission is to protect the public's health, safety and welfare by regulating the practice of medicine, thereby ensuring quality health care for the citizens of this state.



NDCPAS.ORG

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3100 South Columbia Rd Suite 500
 Grand Forks, North Dakota 58201

February 20, 2025

Chairman Wobbema and Members of the Workforce Development Committee

On behalf of the North Dakota CPA Society, we appreciate the opportunity to comment on Senate Bill 2395. **The North Dakota CPA Society opposes SB 2395 as written.**

Upon review of submitted testimony for this bill, we see Senator Hogue submitted an amendment labeled document 38041. If this amendment is accepted, we would no longer oppose SB 2395 as it addresses the issues listed below.

The North Dakota Board of Accountancy is very quick to license CPAs. This has been established in multiple legislative studies that have been conducted in recent years. Additionally, the Certified Public Accountant (CPA) profession currently enjoys a driver's license type approach to mobility that does not require CPAs to register in every state as long as they fulfill similar requirements in their principal place of business (home state). The CPA Society is concerned that the "uniform licensure" section of the bill would lessen the mobility of CPAs.

While we believe that Page 2, lines 10 through 12 strives to exclude professions who already have mobility, the phrase "unless the state is part of an effective interstate compact, an executed license transfer, or reciprocity agreement with another state" does not specifically apply to the CPA profession. The CPA profession does not have an interstate compact, and the state of North Dakota is not part of an executive license transfer or reciprocity agreement. But the CPA profession does offer existing interstate mobility laws through section 43-02.2-04.1 of the North Dakota Century Code. Therefore, we support the amendment that the Board of Accountancy is proposing in their testimony which would add language to exclude the Board of Accountancy from the uniform licensure section of this bill.

In addition, on Page 3, lines 12-13, the bill states, "If the examination is a requirement for licensure, the examination must be made available at least once per month." CPAs take the Uniform CPA Exam, a nationally administered exam, composed of four sections. It would be difficult to complete the four sections of the exam in one month. Furthermore, there may be times when the test is limited due to content updates. We would request this section be changed or that the ND Board of Accountancy be exempt from this requirement.

Finally, we also believe the "Alternative Pathways to Licensure" section on page 4, line 10-13 should be removed. This section could also interfere with the current system of mobility for CPAs.

Sincerely,

Sherre Sattler
 Executive Director



North Dakota State Board of Dental Examiners

PO Box 7246, Bismarck, ND 58507-7246 • info@nddentalboard.org • 701.258.8600 • <https://www.nddentalboard.org>

Senate Workforce Development Committee

February 21, 2025; 9:00 am

State Capitol; Fort Lincoln Room

Testimony of the North Dakota State Board of Dental Examiners

In Support; SB 2375

Chair Wobbema and members of the Senate Workforce Development Committee, my name is David Schaibley and I'm the Executive Director of the North Dakota State Board of Dental Examiners. I'm here today providing the Board's testimony in support of SB 2395.

The Board appreciates the countless hours that former Commissioner Svihovec and his staff dedicated to gathering information and listening to stakeholders, and Senator Hogue for using that work as a foundation for this Bill.

The result is a Bill that codifies a streamlined approach to licensure for applicants possessing a comparable license from another state, while at the same time reinforcing the critical role of licensing boards to ensure applicant competency and public safety.

Through legislation, rulemaking, and operations, the Dental Board has largely achieved the goals of this Bill, and so we are supportive of it. At the same time, we urge caution. Because while there is value in increasing governmental efficiency and streamlining access to the workforce, legislating in support of those goals without fully understanding the often-valid reasons for differences in the laws that regulate various professions can cause substantial harm to the public. Not every profession is alike and so not all regulations governing them can or should be identical. Within the dental field alone we regulate three professions and scores of permitted duties. We are grateful that SB 2395 allows our Board to continue ensuring competency at each of these levels and for each of these duties.

We appreciate your willingness to hear our perspective as you consider SB 2395, and your careful assessment of any amendments to it or other Bills that might undermine our Board's ability to assess applicant competency.

Thank you for your time. I am happy to address any concerns you might have or answer any questions.

Prepared and Presented by:

David Schaibley

Executive Director of the North Dakota State Board of Dental Examiners

david@noddentalboard.org; 701-258-8600

Senate Workforce Development
February 21, 2025

Testimony of the State Board of Law Examiners
SENATE BILL NO. 2395

Chair Wobbema and members of the Committee, I am Petra Mandigo Hulm, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2395. I am secretary-treasurer of the Board.

The State Board of Law Examiners opposes the bill, and as amended, as Mr. Porsborg discussed. I testify separately to answer any questions the committee has on the attorney admission rules and to discuss one concern.

The original bill appeared to limit the Board to a state and federal criminal check for a motion applicant who seeks to be admitted based on two years of practice in a foreign jurisdiction within the past three years. However, the proposed amendment by Senator Hogue and discussions with him and former labor commissioner Svihovec indicate the amendment to the first sentence of the Uniform Licensure section alleviates that concern.

In contrast with most other boards, criminal matters are not the only areas to be investigated prior to the licensure of attorneys. Attorneys are evaluated for both their competency and fitness to practice law. To the Board's knowledge, there is no United States jurisdiction that accepts only a criminal background check for attorney admission. All do a character and fitness investigation. Twenty-nine jurisdictions use the National Conference of Bar Examiners (NCBE), as North Dakota does, to assist in their investigations; other jurisdictions do their own in-house investigations.

Evaluation of fitness for all out-of-state applicants should involve an investigation into an applicant's litigation history, financial history, job history, recommendations, criminal history, honesty and trustworthiness and other matters. Without a character and fitness investigation, the burden shifts to the discipline system to deal with arising issues. Once admitted, the Board of Law Examiners has no jurisdiction over that attorney's practice. And unfortunately, a great deal of damage can be done to clients before the discipline system becomes aware of a problem. Additionally, disciplinary counsel may need to step in shortly after licensure to address an issue that did not arise from only a criminal background check.

Thank you.

Senate Workforce Development
February 21, 2025

Testimony on behalf of the State Board of Law Examiners
SENATE BILL NO. 2395

Chair Wobbema and members of the Committee, I am Scott Porsborg, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2395. I am a member of the Board and an attorney in private practice in Bismarck.

The State Board of Law Examiners opposes the original bill, and the bill as amended because we believe the licensure of attorneys should be regulated by the Supreme Court.

The admission of attorneys lies with the Supreme Court under the North Dakota Constitution Article VI, Section 3. The State Board of Law Examiners is not an executive branch board under Title 43. We are appointed by the Supreme Court, and it is the Supreme Court that admits attorneys to the bar pursuant to the Board's recommendation.

As was recognized when the constitution was enacted, the practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people.

The Board believes this important work should be done, as it always has been, by the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch or the Executive Branch. The Supreme Court should retain its role promulgating the rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law, as provided for in the North Dakota Constitution.

There has been no convincing reason provided to now, after more than 100 years, enact legislation regulating attorney admission rather than adhere to the thorough and effective process developed by the Supreme Court.

We understand this bill has a workforce development goal. The Supreme Court, the State Board of Law Examiners and the State Bar Association have undertaken significant efforts to attract out of state attorneys to come to North Dakota. The Supreme Court recently amended its rules to extend the time a bar examination score can be transferred and to reduce the number of continuing education hours required for licensure. The Court also developed the Rural Attorney Recruitment Program. Finally, the Court has a task force evaluating alternatives to providing legal services

to the public, including using allied legal professionals who would be allowed to offer legal assistance to the public without a license to practice law. Your concerns have been heard and the Board and the Court have acted on them.

Thank you for your time, and the Secretary of the Board, Petra Mandigo Hulm, is also available to address any detailed questions about our process.

State Universal Licensure Recognition Laws (As Of 10/18/2024)

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Arizona

[AZ Chapter 43, Section 32-4302 Out-of-state applicants; residents; military spouses; licensure; certification; exceptions; notice](#)

[32-4302. Out-of-state applicants; residents; military spouses; licensure; certification; exceptions; notice](#)

A. Notwithstanding any other law, an occupational or professional license or certificate shall be issued, in the discipline applied for and at the same practice level as determined by the regulating entity, pursuant to this title to a person who establishes residence in this state or without an examination to a person who is married to an active duty member of the armed forces of the United States and who is accompanying the member to an official permanent change of station to a military installation located in this state if all of the following apply:

1. The person is currently licensed or certified in at least one other state in the discipline applied for and at the same practice level as determined by the regulating entity and the license or certification is in good standing in all states in which the person holds a license or certification.
2. The person has been licensed or certified by another state for at least one year.
3. When the person was licensed or certified by another state there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state.
4. The person previously passed an examination required for the license or certification if required by the other state.
5. The person has not had a license or certificate revoked and has not voluntarily surrendered a license or certificate in any other state or country while under investigation for unprofessional conduct.
6. The person has not had discipline imposed by any other regulating entity. If another jurisdiction has taken disciplinary action against the person, the regulating entity shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the regulating entity may not issue or deny a license until the matter is resolved.
7. The person does not have a complaint, allegation or investigation pending before another regulating entity in another state or country that relates to unprofessional conduct. If an applicant has any complaints, allegations or investigations pending, the regulating entity in this state shall suspend the application process and may not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved.

8. The person pays all applicable fees.

9. The person does not have a disqualifying criminal history as determined by the regulating entity pursuant to section 41-1093.04.

B. This section does not prevent a regulating entity under this title from entering into a reciprocity agreement with another state or jurisdiction for persons married to active duty members of the armed forces of the United States, except that the agreement may not allow out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in this state if the applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the regulating entity on a case-by-case basis.

C. Except as provided in subsection A of this section, a regulating entity that administers an examination on laws of this state as part of its license or certificate application requirement may require an applicant to take and pass an examination specific to the laws of this state.

D. A person who is licensed pursuant to this title is subject to the laws regulating the person's practice in this state and is subject to the regulating entity's jurisdiction.

E. This section does not apply to:

1. A license or registration certificate that is issued pursuant to chapter 24 or 26 of this title.

2. Requirements for a fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1.

3. Criteria for a license, permit or certificate of eligibility that is established by an interstate compact.

4. The ability of a regulating entity under this title to require an applicant to submit fingerprints in order to access state and federal criminal records information for noncriminal justice purposes.

F. A license or certificate issued pursuant to this section is valid only in this state and does not make the person eligible to be part of an interstate compact. A regulating entity under this title may determine eligibility for an applicant to be licensed or certified under this section if the applicant is not part of an interstate compact.

G. A regulating entity under this title shall prominently print the following notice on all license and certificate applications and regulating entity websites:

Pursuant to section 32-4302, Arizona Revised Statutes, a person shall be granted an occupational or professional license or certificate if the person has been licensed or certified in another state for at least twelve months, the license or certificate is in the same discipline and at the same practice level as the license or certificate for which the person is applying in this state and the person meets other conditions prescribed by section 32-4302, Arizona Revised Statutes.

H. Before any regulating entity takes any official action to deny a professional or occupational license that a person applies for pursuant to this section, the regulating entity shall submit the application and the reason for denial to the governor for review. The regulating entity shall notify the governor of any required time frames for approval or denial of the license application by the regulating entity.

I. Beginning July 1, 2022, all regulating entities that are required to issue occupational or professional licenses pursuant to this section shall track information about applications received in the format to be determined by the governor and annually report that information to the governor.

J. For the purposes of subsections H and I of this section, "regulating entity":

1. Means all executive departments, agencies and offices and all state boards and commissions.

2. Does not include:

(a) A state agency that is headed by a single elected state official.

(b) The corporation commission.

(c) Any board or commission established by ballot measure at or after the November 1998 general election.

(d) The judiciary.

Arkansas

A.C.A. § 17-7-101

Current through all legislation of the 2024 Fiscal Session and the Second
Extraordinary Session (2024)

Arkansas Code Annotated PAW - ET Table of Contents

Title 17 Professions, Occupations, and Businesses

Subtitle 1. Professions Generally

**Chapter 7 AUTOMATIC OCCUPATIONAL LICENSURE FOR OUT-OF-
STATE LICENSURE ACT**

17-7-101. Title.

This chapter shall be known and may be cited as the "Automatic
Occupational Licensure for Out-of-State Licensure Act".

17-7-102. Definitions.

As used in this chapter:

- (1)** "Automatic occupational licensure" means the granting of occupational licensure to an individual who establishes residency in this state without the individual's having met occupational licensure requirements provided under this title or by the rules of the relevant occupational licensing entity;
- (2)** "Occupational licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession, not including occupations or professions within the judicial branch of government or occupations or professions subject to the superintending control of the Supreme Court; and
- (3)** "Occupational licensure" means a license, certificate, registration, permit, or other form of authorization, including without limitation military occupational specialty, required by law or rule that is required for an individual to engage in a particular occupation or profession.

17-7-103. Applicability.

Unless otherwise stated in this chapter, this chapter applies to an individual who has occupational licensure in another state, territory, or district of the United States and has established a residence in this state.

17-7-104. Automatic occupational licensure.

(a) If the individual does not have a disqualifying criminal offense under § 17-3-102 or any additional state law relating to the occupational licensure and does not have a complaint, allegation, or investigation pending for his or her occupational activity, an occupational licensing entity shall grant automatic occupational licensure to engage in an occupation or a profession to an individual who is:

(1) The holder in good standing for one (1) year of an occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; or

(2) An individual who worked:

(A) In another state, territory, or district of the United States that does not use an occupational licensure to regulate an occupation or profession but is regulated by occupational licensure in this state; and

(B) At least three (3) years in the occupation.

(b) An individual who is granted automatic occupational licensure under this chapter shall meet all other occupational licensure requirements for a resident of this state and all renewal requirements of the occupational licensure, including without limitation a criminal background check and continuing education hours.

(c)

(1) Notwithstanding subsections (a) and (b) of this section, an occupational licensing entity may require an applicant to pass an examination specific to relevant state laws that regulate the occupation or profession.

(2) Notwithstanding subsections (a) and (b) of this section, an occupational licensing entity shall require an applicant to furnish a bond, financial statement, or proof of insurance coverage if required by state law.

(d) An occupational licensing entity may waive the requirements of subdivision (c)(1) of this section if the occupational licensing entity finds that:

- (1)** The combination of the applicant's education, training, and experience is a sufficient substitute for the requirement; and
- (2)** A waiver of the requirement will not harm public health, safety, or welfare.

17-7-105. Responsibilities of occupational licensing entities.

An occupational licensing entity shall:

- (1)** Provide automatic occupational licensure to an individual listed in § 17-7-104;
- (2)** Post prominently on the occupational licensing entity's website a link entitled "Out-of-State Licensure" that leads directly to information applicable to an individual licensed under § 17-7-104; and
- (3)** Provide to the Legislative Council an annual report stating the number of individuals granted automatic occupational licensure under this chapter.

7-7-106. Exemptions.

(a) This chapter does not apply to licensure or certification of:

- (1)** Medical professions under Title 17, Subtitle 3;
- (2)** Legal professionals; or
- (3)** Individuals under reciprocity agreements.

(b) This chapter does not apply to an existing multistate or interstate compact if the chapter would result in a nullification of the multistate or interstate compact.

History

Acts 2023, No. 457, § 1.

Colorado

C.R.S. 12-20-202

Statutes current through all legislation from the 2024 Regular Session, effective prior to August 7, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

Title 12. Professions and Occupations (§§ 12-1-101 – 12-315-210)

Division of Professions and Occupations (Arts. 20 – 30)

Article 20. Division of Professions and Occupations (Pts. 1 – 4)

Part 2. General Powers and Duties of Division, Boards, and Commissions (§§ 12-20-201 – 12-20-205)

(3) Occupational credential portability program.

(a) There is hereby created in the division the occupational credential portability program by which a regulator may approve an application for licensure, certification, registration, or enrollment by endorsement, reciprocity, or transfer. Each regulator shall strive to reduce barriers for applicants under the occupational credential portability program, including through reciprocity agreements, compacts, or other means to expedite licensure, certification, registration, or enrollment and shall adopt rules to implement the program in the least burdensome way necessary to protect the public. Unless there are specific reasons to withhold a license, certification, registration, or enrollment, a regulator shall issue a license, certification, registration, or enrollment, as applicable, to an applicant who meets the requirements of this subsection (3) and rules adopted by the regulator pursuant to this subsection (3).

(b)

(I) Except as specified in subsections (3)(c) and (3)(f) of this section, a person duly licensed, certified, registered, or enrolled in good standing in another state or United States territory or through the federal government to practice a particular profession or occupation, or who holds a military occupational specialty, as defined in section 24-4-201, is, upon application to the division for licensure, certification, registration, or enrollment in that profession or occupation in this state, entitled to the issuance of the applicable license, certification, registration, or enrollment if all of the following apply:

(A) Submission of satisfactory proof to the regulator, under penalty of perjury, of the applicant's substantially equivalent experience or credentials, as required by the part or article of this title 12 that regulates the applicable profession or occupation or satisfactory proof that the applicant has held for at least one year a current and valid license, certification, registration, or enrollment under a jurisdiction with a scope of practice that is substantially similar to the scope of practice of the profession or occupation as specified in this title 12, and that the applicant has not committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation;

(B) Payment of applicable fees established pursuant to section 12-20-105; and

(C) Compliance with any other applicable requirement, including passing an exam, of the part or article of this title 12 that regulates the applicable profession or occupation.

(II) For the purposes of this subsection (3)(b), "in good standing" means that a license, certification, registration, or enrollment has not been revoked or suspended and against which there are no outstanding disciplinary or adverse actions.

(c) An applicant is not entitled to licensure, certification, registration, or enrollment pursuant to this subsection (3) if the regulator demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant:

(I) Lacks the requisite substantially equivalent education, experience, or credentials to practice the applicable profession or occupation; or

(II) Has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.

(d) A regulator may specify by rule what constitutes substantially equivalent experience or credentials and, unless otherwise prohibited by this title 12, shall allow an applicant for certification, registration, or licensure by endorsement to demonstrate competency in a specific profession or occupation as determined by the regulator in lieu of a requirement that the applicant has worked or practiced in that profession or occupation for a period of time prior to the application for endorsement.

(d.5) Nothing in this subsection (3) prohibits a person from applying for an occupational license, registration, or certification pursuant to another statute or rule.

(e) Subsections (3)(a) to (3)(d) of this section do not apply to the following professions or occupations:

(I) Combative sports, regulated pursuant to article 110 of this title 12;

(II) Electricians, regulated pursuant to article 115 of this title 12;
(II.5) Engineers, surveyors, and architects, regulated pursuant to article 120 of this title 12;
(III) Repealed.
(IV) Mortuaries and crematories, regulated pursuant to article 135 of this title 12;
(V) Nontransplant tissue banks, regulated pursuant to article 140 of this title 12;
(VI) Outfitters and guides, regulated pursuant to article 145 of this title 12;
(VII) Passenger tramways, regulated pursuant to article 150 of this title 12;
(VIII) Plumbers, regulated pursuant to article 155 of this title 12;
(IX) Repealed.
(IX.5) Dental therapists, regulated pursuant to article 220 of this title 12;
(X) Direct-entry midwives, regulated pursuant to article 225 of this title 12; or
(XI) Surgical assistants and surgical technologists, regulated pursuant to article 310 of this title 12.

(f)

(I) Except as specified in subsection (3)(f)(III) of this section, a military spouse, gold star military spouse, military dependent, or spouse or dependent of any other qualified servicemember duly licensed, certified, registered, or enrolled in good standing in another state or United States territory to practice a particular profession or occupation is, upon application to the division for licensure, certification, registration, or enrollment in that profession or occupation in this state, entitled to the issuance of a license, certification, registration, or enrollment upon submission of satisfactory proof to the regulator, under penalty of perjury, of the applicant's active license, certification, registration, or enrollment in another state or United States territory in good standing.

(II) As used in this subsection (3)(f):

(A) "Gold star military spouse" or "gold star spouse" means the spouse of a servicemember, which servicemember died while on military orders, who was relocated to Colorado.

(B) "In good standing" means that a license, certification, registration, or enrollment has not been revoked, expired, or suspended and against which there are no outstanding disciplinary or adverse actions.

(C) "Military dependent" means the dependent of a servicemember serving in the United States uniformed services who was relocated to Colorado.

(D) "Military spouse" or "spouse" means the spouse of a servicemember serving in the United States uniformed services who was relocated to Colorado.

(E) "Relocated" means that a servicemember in the United States uniformed services and the servicemember's spouse or dependent have, or the servicemember's gold star spouse has, moved to Colorado, as a result of: an assignment to a duty station in Colorado; a reassignment, either as a result of a permanent change of station or permanent change of assignment to Colorado, between two duty stations; or a transfer from a regular component of a uniformed service into a selected reserve of the ready reserve of a uniformed service, if the member is authorized to make a final move from the member's last duty station to Colorado.

(F) "Servicemember" means a member of the uniformed services, as defined in 10 U.S.C. sec. 101 (a)(5).

(III) An applicant is not entitled to licensure, certification, registration, or enrollment pursuant to this subsection (3)(f) if approving the licensure, certification, registration, or enrollment would violate an existing compact or reciprocity agreement or if the regulator demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant's license, certification, registration, or enrollment issued by another state or United States territory is not in good standing.

(IV) Notwithstanding any provision of law to the contrary:

(A) A license, certification, registration, or enrollment issued to a military spouse, a gold star military spouse, a military dependent, or the spouse or dependent of any other qualified servicemember pursuant to this subsection (3)(f) is valid for six years after the date of issuance and may be renewed.

(B) Each regulator shall waive the application fee for single state licenses, certifications, registrations, or enrollments issued pursuant to this subsection (3)(f).

Florida

Regulatory boards under the Department of Professional Regulation (DBPR):

[Chapter 455 Section 2135 - 2024 Florida Statutes - The Florida Senate](#)

455.2135 Interstate mobility.—

(1) When endorsement based upon years of licensure or endorsement based upon satisfaction or completion of multiple criteria that include passage of a licensure or registration examination, completion of internship requirements, or the holding of a valid certificate issued by a national accrediting agency board along with holding a valid license, registration, or certification issued in another jurisdiction is not otherwise provided by law in the practice act for a profession, the board, or the department if there is no board, shall allow licensure by endorsement for any individual applying who:

(a) Has held a valid, current license to practice the profession issued by another state or territory of the United States for at least 5 years before the date of application and is applying for the same or similar license in this state;

(b) Submits an application either when the license in another state or territory is active or within 2 years after such license was last active;

(c) Has passed the recognized national licensing exam, if such exam is established as a requirement for licensure in the profession;

(d) Has no pending disciplinary actions and all sanctions of any prior disciplinary actions have been satisfied;

(e) Shows proof of compliance with any federal regulation, training, or certification, if the board or the department requires such proof, regarding licensure in the profession;

(f) Completes Florida-specific continuing education courses or passes a jurisprudential examination specific to the state laws and rules for the applicable profession as established by the board or department; and

(g) Complies with any insurance or bonding requirements as required for the profession.

(2) If the practice act for a profession requires the submission of fingerprints, the applicant must submit a complete set of fingerprints to the Department of Law Enforcement for a statewide criminal history check. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards

in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor must collect the required processing fees and remit the fees to the Department of Law Enforcement.

(3) This section does not apply to harbor pilots licensed under chapter 310.

History.—s. 2, ch. 2024-274.

Regulatory Boards under the Department of Health (DOH)

[Chapter 456 Section 0145 - 2024 Florida Statutes - The Florida Senate](#)

456.0145 Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act.—

(1) **SHORT TITLE.**—This section may be cited as the “Mobile Opportunity by Interstate Licensure Endorsement Act” or the “MOBILE Act.”

(2) **LICENSURE BY ENDORSEMENT.**—

(a) An applicable board, or the department if there is no board, shall issue a license to practice in this state to an applicant who meets all of the following criteria:

1. Submits a complete application.

2. Holds an active, unencumbered license issued by another state, the District of Columbia, or a territory of the United States in a profession with a similar scope of practice, as determined by the board or department, as applicable. The term “scope of practice” means the full spectrum of functions, procedures, actions, and services that a health care practitioner is deemed competent and authorized to perform under a license issued in this state.

3.a. Has obtained a passing score on a national licensure examination or holds a national certification recognized by the board, or the department if there is no board, as applicable to the profession for which the applicant is seeking licensure in this state; or

b. Meets the requirements of paragraph (b).

4. Has actively practiced the profession for which the applicant is applying for at least 3 years during the 4-year period immediately preceding the date of submission of the application.

5. Attests that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the United States Department of Defense for reasons related to the practice of the profession for which he or she is applying.

6. Has not had disciplinary action taken against him or her in the 5 years immediately preceding the date of submission of the application.

7. Meets the financial responsibility requirements of s. 456.048 or the applicable practice act, if required for the profession for which the applicant is seeking licensure.

8. Submits a set of fingerprints for a background screening pursuant to s. 456.0135, if required for the profession for which he or she is applying.

The department shall verify information submitted by the applicant under this subsection using the National Practitioner Data Bank, as applicable.

(b) An applicant for a profession that does not require a national examination or national certification is eligible for licensure if an applicable board, or the department if there is no board, determines that the jurisdiction in which the applicant currently holds an active, unencumbered license meets established minimum education requirements and, if applicable, examination, work experience, and clinical supervision requirements that are substantially similar to the requirements for licensure in that profession in this state.

(c) A person is ineligible for a license under this section ¹if he or she:

1. Has a complaint, an allegation, or an investigation pending before a licensing entity in another state, the District of Columbia, or a possession or territory of the United States;

2. Has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

3. Has had a health care provider license revoked or suspended by another state, the District of Columbia, or a territory of the United States, or has voluntarily

surrendered any such license in lieu of having disciplinary action taken against the license; or

4. Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed from the data bank.

(d) The board, or the department if there is no board, may revoke a license upon finding that the licensee provided false or misleading material information or intentionally omitted material information in an application for licensure.

(e) The board, or the department if there is no board, shall issue a license to a qualified applicant within 7 days after receipt of all documentation required for an application.

(3) STATE EXAMINATION.—The board, or the department if there is no board, may require an applicant to successfully complete a jurisprudential examination specific to state laws and rules that regulate the applicable profession, if this chapter or the applicable practice act requires such examination.

(4) ANNUAL REPORT.—By December 31 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides all of the following information for the previous fiscal year, distinguished by profession:

(a) The number of applications for licensure received under this section.

(b) The number of licenses issued under this section.

(c) The number of applications submitted under this section which were denied and the reason for such denials.

(d) The number of complaints, investigations, or other disciplinary actions taken against health care practitioners who are licensed under this section.

(5) RULES.—Each applicable board, or the department if there is no board, shall adopt rules to implement this section within 6 months after this section's effective date, including rules relating to legislative intent under s. 456.025(1) and the requirements of s. 456.025(3).

History.—s. 3, ch. 2024-274.

¹**Note.**—The word “the” following the word “if” was deleted by the editors.

Georgia

[Georgia Code Title 43. Professions and Businesses § 43-1-35 | FindLaw](#)

2023 CODE OF GEORGIA

Title 43 - PROFESSIONS AND BUSINESSES (§§ 43-1-1 — 43-51-15)

Chapter 1 - GENERAL PROVISIONS (§§ 43-1-1 — 43-1-36)

Section 43-1-35 - [Effective 1/1/2025] Expedited license by endorsement for spouses of active or transitioning members of the armed forces; license by endorsement for certain professions

Universal Citation:

GA Code § 43-1-35 (2023)

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(a) As used in this Code section, the term:

(1) “Firefighter” shall have the same meaning as provided in [Code Section 45-9-81](#).

(2) “Healthcare provider” means any physician or other person licensed or otherwise authorized in this state to furnish healthcare services, including any dentist, podiatrist, optometrist, pharmacist, psychologist, licensed professional counselor, clinical social worker, registered professional nurse, advanced practice registered nurse, licensed practical nurse, registered optician, physical therapist, chiropractor, physician assistant, cardiac technician, emergency medical technician, or paramedic.

(3) “Law enforcement officer” shall have the same meaning as provided in [Code Section 45-9-81](#).

(4) “License” shall have the same meaning as provided in [Code Section 43-1-34](#).

(5) “Other board” shall have the same meaning as provided in [Code Section 43-1-34](#).

(6) “Service member” shall have the same meaning as provided in [Code Section 43-1-34](#).

(7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Transitioning service member" shall have the same meaning as provided in [Code Section 43-1-34](#).

(b) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual who is a spouse of a service member or transitioning service member stationed within the State of Georgia who:

(1) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

(2) Is in good standing in such other state and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board or other board in such other state; and

(3) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

(c) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue a license by endorsement to any individual seeking licensure for a profession other than that of a firefighter, healthcare provider, or a law enforcement officer, provided that such individual has:

(1) Moved from another state and established residency in this state;

(2) Holds a current license to practice such occupation or profession issued by another state prior to establishing residency in this state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

(3) Is in good standing in such other state and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board or other board in such other state; and

(4) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such license by endorsement is being sought.

(d) Subsection (c) of this Code section shall not be used to grant a license by endorsement of a firefighter, healthcare provider, or law enforcement officer to any individual.

(e) An expedited license by endorsement provided for in subsection (b) of this Code section shall be issued no later than 90 days from the date of receipt of an application and information and documents that show that all of the requirements of subsection (b) of this Code section have been met. An application for an expedited license by endorsement or a license by endorsement shall only require such information and documentation necessary to verify that the applicant meets the requirements set forth in subsection (b) or (c), respectively, of this Code section.

(f) Nothing contained in this Code section shall be construed to be applicable to a license or admission to practice law in this state.

(g) Nothing contained in this Code section shall be construed to invalidate, override, or amend any licensing compact entered into by the State of Georgia or to permit the issuance of a license without verification under [Code Section 50-36-1](#).

Amended by 2024 Ga. Laws 555, § 3, eff. 7/1/2024.

Amended by 2024 Ga. Laws 485, § 2, eff. 1/1/2025.

Amended by 2023 Ga. Laws 51, § 1, eff. 7/1/2023.

Amended by 2022 Ga. Laws 644, § 1, eff. 4/18/2022.

Added by 2020 Ga. Laws 607, § 2, eff. 1/1/2021.

Pursuant to Code Section 28-9-5, in 2022, former Code Section 43-1-34.1 was redesignated as Code Section 43-1-35.

This section is set out more than once due to postponed, multiple, or conflicting amendments.

Idaho

Section 67-9409 – Idaho State Legislature

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 94

OCCUPATIONAL LICENSING REFORM ACT

67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:

(a) Possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States; and
(b) Demonstrates competency in the profession or occupation through methods determined by the licensing board or commission.

(2) Each applicant for universal licensure under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and is subject to the applicable licensing authority's jurisdiction. For purposes of this section, the term "licensure" means a license, certificate, registration, permit, or other authorization to practice a profession or occupation.

(3) To determine whether an applicant for universal licensure who possesses the licensure requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

(4) In addition to the requirements set forth in this section, if it administers an examination as part of the application requirements, a licensing authority may require an applicant to take and pass all or a portion of such examination as may be necessary to demonstrate competence to practice in Idaho. A licensing authority shall not establish a jurisprudence examination to demonstrate competence to practice in Idaho.

(5) An applicant for universal licensure shall pay the same licensing fees as required for applicants under the standard licensing process and shall be subject to all applicable requirements related to maintaining licensure as established by the licensing authority.

(6) A licensing authority may, at its discretion, compare the authorized scope of practice in the state, or states, where the applicant currently holds licensure to the authorized scope of practice in Idaho. If such licensing authority determines that the

authorized scope of practice in Idaho is broader than the scope of practice authorized in the state, or states, where the applicant currently holds licensure, such licensing authority may, instead of issuing a denial on the basis of the difference in scope of practice, issue a limited license to such applicant pending completion of the additional education, training, and any other requirements determined necessary by the licensing authority. A limited license issued under this section shall restrict the applicant's practice in Idaho to the scope of practice authorized in the state where the applicant holds prior licensure until such time that the applicant satisfies the education, training, or other requirements deemed necessary by the licensing authority for a limited period of time necessary for an applicant to meet the qualifications for a full license.

(7) This section shall not restrict a person who is a member of a profession or occupation covered by an applicable interstate licensure compact or applicable reciprocity agreement from seeking licensure pursuant to this section. In such a situation, a person may apply for universal licensure under this section or may apply for licensure pursuant to the terms of the applicable licensure compact or reciprocity agreement. A licensing authority may promulgate applicable rules if necessary to implement the provisions of this section.

(8) A licensing authority shall not establish additional methods of demonstrating competency to qualify for universal licensure beyond the requirements to qualify under the standard licensing process.

History:

[67-9409, added 2020, ch. 175, sec. 1, p. 504; am. 2023, ch. 124, sec. 2, p. 357.]

Indiana

[IGA | 2024 Indiana Code](#)

IC 25-1-21Chapter 21. Reciprocity for Health Care Professionals

IC 25-1-21-1Application of chapter; effect of other requirements

Sec. 1. (a) This chapter does not apply to any of the following licenses:

- (1) Any type of social work license issued under [IC 25-23.6-5](#).
- (2) Any type of marriage and family therapist license issued under [IC 25-23.6-8](#).
- (3) Any type of mental health counselor license issued under [IC 25-23.6-8.5](#).
- (4) Any type of addiction counselor or clinical addiction counselor license issued under [IC 25-23.6-10.5](#).
- (5) Any type of respiratory care practitioner license issued under [IC 25-34.5](#).

(b) This chapter does not prohibit an applicant from proceeding under other licensure, certification, registration, or permit requirements established by a board or another law.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-2"Board"

Sec. 2. As used in this chapter, "board" means any of the entities described in [IC 25-0.5-11](#).
As added by P.L.149-2022, SEC.2.

IC 25-1-21-3"Jurisdiction"

Sec. 3. As used in this chapter, "jurisdiction" means the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-4"License"

Sec. 4. As used in this chapter, "license" means an unlimited license regulating the occupation in question.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-4.5Repealed

As added by P.L.149-2022, SEC.2. Repealed by P.L.148-2023, SEC.9.

IC 25-1-21-5Requirements

Sec. 5. Notwithstanding any other law, subject to section 11 of this chapter, a board shall issue a license or certificate to an applicant to allow the individual to practice the applicant's occupation in Indiana if, upon application to the board, the applicant satisfies the following conditions:

- (1) Holds a current license or certificate from another state or jurisdiction; and

- (A) that state's or jurisdiction's requirements for a license or certificate are substantially equivalent to or exceed the requirements for a license or certificate of the board from which the applicant is seeking licensure or certification; or
- (B) when the person was licensed or certified by another state:
 - (i) there were minimum education requirements in the other state;
 - (ii) if there were applicable work experience and clinical supervision requirements in effect, the person met those requirements in order to be licensed or certified in that state; and
 - (iii) if required by the other state, the person previously passed an examination required for the license or certification.
- (2) Has not committed any act in any state or jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.
- (3) Does not have a complaint or an investigation pending before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.
- (4) Is in good standing and has not been disciplined by the agency that has authority to issue the license or certification.
- (5) Submits a signed affidavit affirming, under the penalties for perjury, the following:
 - (A) The individual is in good standing in all states and jurisdictions in which the individual holds a license or certificate for the occupation applied for.
 - (B) The individual has not had a license, certificate, registration, or permit revoked and has not voluntarily surrendered a license, certificate, registration, or permit in another state or jurisdiction while under investigation for unprofessional conduct.
 - (C) The individual has not had discipline imposed by the regulating agency for the occupation in another state or jurisdiction.
 - (D) The individual does not have a complaint or an investigation pending before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.
- (6) If a law regulating the applicant's occupation requires the board to administer an examination on the relevant laws of Indiana, the board may require the applicant to take and pass an examination specific to the laws of Indiana.
- (7) Pays any fees required by the board for which the applicant is seeking licensure or certification.

As added by P.L.149-2022, SEC.2. Amended by P.L.148-2023, SEC.10.

IC 25-1-21-6Criminal history background check

Sec. 6. If a national criminal history background check (as defined in [IC 25-1-1.1-4](#)) is required under [IC 25-1-1.1-4](#) for the occupation for which the applicant seeks a license or certificate, not more than five (5) business days after the:

- (1) professional licensing agency received the individual's application for a license or certificate under this chapter; and
- (2) individual has paid any fees required by the board for which the applicant is seeking licensure or certification;

the professional licensing agency shall notify the applicant that the applicant is eligible to submit a national criminal history background check to the professional licensing agency.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-7License or certificate from other state or jurisdiction

Sec. 7. (a) If an applicant's current license or certificate from one (1) other state or jurisdiction is verified by the board and the applicant has met the requirements in sections 5 and 6 of this chapter, the applicant shall be issued a license or certificate not more than thirty (30) days after the requirements are met.

(b) Not later than the first renewal of the license or certificate issued by the board under subsection (a), any remaining licenses or certificates from other states or jurisdictions must be verified to be in good standing by the board for the license or certificate to be renewed.

As added by P.L.149-2022, SEC.2. Amended by P.L.148-2023, SEC.11.

IC 25-1-21-8Rights and obligations on nonresidents

Sec. 8. A nonresident who is issued a license or certificate under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license or certificate by a board.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-9Board final approval

Sec. 9. Notwithstanding any other law, if a board has a pending application for initial licensure or certification that requires final approval by the board, the board shall meet not more than thirty-one (31) days after the application is ready for approval.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-10Rules

Sec. 10. A board may adopt rules under [IC 4-22-2](#) necessary to implement this chapter.

As added by P.L.149-2022, SEC.2.

IC 25-1-21-11Physician licenses

Sec. 11. Beginning July 1, 2026, the medical licensing board of Indiana may not issue a license under this chapter to an applicant seeking a license as a physician under [IC 25-22.5](#).

As added by P.L.149-2022, SEC.2.

Iowa

[272c.pdf \(iowa.gov\)](#)

272C.12 Licensure of persons licensed in other jurisdictions.

1. Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person if all of the following conditions are met:
 - a. 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.
 - b. For a license issued pursuant to chapter 103 or 105, the person has established residency in this state or is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in this state.
 - c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.
 - d. The person previously passed an examination required by the other issuing jurisdiction for licensure, certification, or registration, if applicable.
 - e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other issuing jurisdiction or country while under investigation for unprofessional conduct.
 - f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action

was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the appropriate licensing board.

3. This section does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

d. A license issued by the department of transportation.

e. A person who is licensed by another issuing jurisdiction and may be granted a privilege to practice in this state by another provision of law without receiving a license in this state.

f. A person applying for a license through a national licensing organization.

4. A license, certificate, or registration issued pursuant to this section does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to this section regardless of the person's eligibility to practice pursuant to an interstate compact.

5. For the purposes of this section, "issuing jurisdiction" means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

2020 Acts, ch 1103, §26, 31; 2022 Acts, ch 1134, §18 – 20

Referred to in §272C.12A

272C.13 Educational requirements — work experience.

1. Except as provided in subsection 2, a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. This section does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under this section shall be required to pass the same examination.

2020 Acts, ch 1103, §27, 31

272C.14 Waiver of fees.

1. A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

2. A licensing board, agency, or department shall waive an initial application fee and one renewal fee for an applicant that has been honorably or generally discharged from federal active duty or national guard duty, as those terms are defined in section 29A.1, that would otherwise be charged within five years of the discharge.

2020 Acts, ch 1103, §28, 31; 2022 Acts, ch 1134, §22; 2022 Acts, ch 1149, §24

Kansas

[48-3406 \(ksrevisor.org\)](https://ksrevisor.org)

48-3406. Expedited state licensure procedure if licensed, registered or certified in another state for military servicemembers, military spouses or individuals who have established or intend to establish residency in this state; temporary emergency licenses; paper-based and verified electronic credentials; license verification portal; reports by licensing bodies. (a) For the purposes of this section:

(1) "Applicant" means an individual who is a military spouse, military servicemember or an individual who has established or intends to establish residency in this state.

(2) "Complete application" means the licensing body has received all forms, fees, documentation, a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate and any other information required or requested by the licensing body for the purpose of evaluating the application, consistent with this section and the rules and regulations adopted by the licensing body pursuant to this section. If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation.

(3) "Electronic credential" or "electronic certification, license or registration" means an electronic method by which a person may display or transmit to another person information that verifies the status of a person's certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

(4) "Licensing body" means an official, agency, board or other entity of the state that authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized.

(5) "Military servicemember" means a current member of any branch of the United States armed services, United States military reserves or national guard of any state or a former member with an honorable discharge.

(6) "Military spouse" means the spouse of a military servicemember.

(7) "Person" means a natural person.

(8) "Private certification" means a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

(9) "Scope of practice" means the procedures, actions, processes and work that a person may perform under a government issued license, registration or certification.

(10) "Verification system" means an electronic method by which the authenticity and validity of electronic credentials are verified.

(b) Notwithstanding any other provision of law, any licensing body shall, upon submission of a complete application, issue a paper-based and verified electronic license, registration or certification to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation. Any licensing body may satisfy any requirement under this section to

provide a paper-based license, registration, certification or permit in addition to an electronic license, registration, certification or permit by issuing such electronic credential to the applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy shall be considered a valid license, registration, certification or permit for all purposes.

(c) An applicant who holds a valid current license, registration or certification in another state, district or territory of the United States shall receive a paper-based and verified electronic license, registration or certification:

(1) If the applicant qualifies under the applicable Kansas licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the license, registration or certification within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date a complete application was submitted for all other applicants; or

(2) if the applicant does not qualify under the applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state, or if the Kansas professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then the applicant shall receive a license, registration or certification as provided herein if, at the time of application, the applicant:

(A) Holds a valid current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body of this state determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state;

(B) has worked for at least one year in the occupation for which the license, certification or registration is sought;

(C) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation of the license, certificate or registration, or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the applicant seeks licensure, registration or certification;

(D) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action in a Kansas practice act;

(E) does not have a disqualifying criminal record as determined by the licensing body of this state under Kansas law;

(F) provides proof of solvency, financial standing, bonding or insurance if required by the licensing body of this state, but only to the same extent as required of any applicant with similar credentials or experience;

(G) pays any fees required by the licensing body of this state; and

(H) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate.

Upon receiving a complete application and the provisions of subsection (c)(2) apply and have been met by the applicant, the licensing body shall issue the license, registration or certification within 15 days from the date a complete application was submitted by a military servicemember or military spouse, or within 45 days from the date a complete application was submitted by an applicant who is not a military servicemember or military spouse, to the applicant on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. The probationary period shall not exceed six months. Upon completion of the probationary period, the license, certification or registration shall become a non-probationary license, certification or registration.

(d) Any applicant who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification under subsection (c)(2) may be required to complete such additional testing, training, monitoring or continuing education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice in a manner that protects the health and safety of the public, as provided by subsection (j).

(e) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification based on the applicant's work experience in another state, if the applicant:

(1) Worked in a state that does not use an occupational license, registration, certification or private certification to regulate an occupation, but this state uses an occupational license, registration or certification to regulate the occupation;

(2) worked for at least three years in the occupation during the four years immediately preceding the application; and

(3) satisfies the requirements of subsection (c)(2)(C) through (H).

(f) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification under subsection (b) based on the applicant's holding of a private certification and work experience in another state, if the applicant:

(1) Holds a private certification and worked in a state that does not use an occupational license or government certification to regulate an occupation, but this state uses an occupational license or government certification to regulate the occupation;

(2) worked for at least two years in the occupation;

(3) holds a current and valid private certification in the occupation;

(4) is held in good standing by the organization that issued the private certification; and

(5) satisfies the requirements of subsection (c)(2)(C) through (H).

(g) An applicant licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas

residents, except that revocation or suspension of an applicant's license, registration or certificate in the applicant's state of residence or any jurisdiction in which the applicant held a license, registration or certificate shall automatically cause the same revocation or suspension of such applicant's license, registration or certificate in Kansas. No hearing shall be granted to an applicant where such applicant's license, registration or certificate is subject to such automatic revocation or suspension, except for the purpose of establishing the fact of revocation or suspension of the applicant's license, registration or certificate by the applicant's state of residence or jurisdiction in which the applicant held a license, registration or certificate.

(h) In the event the licensing body determines that the license, registration or certificate currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is a military spouse or military servicemember does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body shall issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that were not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(i) In the event the licensing body determines that the license, registration or certification currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is not a military spouse or military servicemember, does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that was not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(j) Any testing, continuing education or training requirements administered under subsection (d), (h) or (i) shall be limited to Kansas law that regulates the occupation and that are materially different from or additional to the law of another state, or shall be limited to any materially different or additional body of knowledge or skill required for the occupational license, registration or certification in Kansas.

(k) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.

(l) Nothing in this section shall be construed to apply in conflict with or in a manner inconsistent with federal law or a multistate compact, or a rule or regulation or a reciprocal or other applicable statutory provision that would allow an applicant to receive a license. Nothing in this section shall be construed as prohibiting a licensing body from denying any application for

licensure, registration or certification, or declining to grant a temporary or probationary license, if the licensing body determines that granting the application may jeopardize the health and safety of the public.

(m) Nothing in this section shall be construed to be in conflict with any applicable Kansas statute defining the scope of practice of an occupation. The scope of practice as provided by Kansas law shall apply to applicants under this section.

(n) Notwithstanding any other provision of law, during a state of emergency declared by the legislature, a licensing body may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the licensing body to an applicant whose qualifications the licensing body determines to be sufficient to protect health and safety of the public and may prohibit any unlicensed person from practicing any profession licensed, certified, registered or regulated by the licensing body.

(o) Not later than January 1, 2025, licensing bodies shall provide paper-based and verified electronic credentials to persons regulated by the licensing body. A licensing body may prescribe the format or requirements of the electronic credential to be used by the licensing body. Any statutory or regulatory requirement to display, post or produce a credential issued by a licensing body may be satisfied by the proffer of an electronic credential authorized by the licensing body. A licensing body may use a third-party electronic credential system that is not maintained by the licensing body.

(p) On or before January 1, 2025, and subject to appropriations therefore, the secretary of administration shall develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked or suspended by licensing bodies or that have expired or otherwise changed in status. The secretary of administration may utilize the services or facilities of a third party for the central electronic record system. The central electronic record system shall comply with the requirements adopted by the information technology executive council pursuant to K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025, each licensing body shall be able to integrate with the uniform or singular license verification portal in the manner and format required by the secretary of administration indicating any issuance, renewal, revocation, suspension, expiration or other change in status of an electronic credential that has occurred. No charge for the establishment or maintenance of the uniform or singular license verification portal shall be imposed on any licensing body or any person with a license, registration, certification or permit issued by a licensing body. The centralized electronic credential data management systems shall include an instantaneous verification system that is operated by the licensing body's respective secretary, or the secretary's designee, or the secretary's third-party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. Centralized electronic credential data management systems shall maintain an auditable record of credentials issued by each licensing body.

(q) Nothing in this section shall be construed as prohibiting or preventing a licensing body from developing, operating, maintaining or using a separate electronic credential system of the licensing body or of a third party in addition to making the reports to the central electronic record system required by subsection (p) or participating in a multistate compact or a reciprocal licensure,

registration or certification process as long as the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

(r) Each licensing body shall adopt rules and regulations necessary to implement and carry out the provisions of this section.

(s) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the certification of law enforcement officers pursuant to the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(t) The state board of healing arts and the state board of technical professions, with respect to an applicant who is seeking a license to practice professional engineering or engage in the practice of engineering, as defined in K.S.A. 74-7003, and amendments thereto, may deny an application for licensure, registration or certification, or decline to grant a temporary or probationary license, if the board determines the applicant's qualifications are not substantially equivalent to those established by the board. Such boards shall not otherwise be exempt from the provisions of this act.

(u) This section shall apply to all licensing bodies not excluded under subsection (s), including, but not limited to:

- (1) The abstracters' board of examiners;
- (2) the board of accountancy;
- (3) the board of adult care home administrators;
- (4) the secretary for aging and disability services, with respect to K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- (5) the Kansas board of barbering;
- (6) the behavioral sciences regulatory board;
- (7) the Kansas state board of cosmetology;
- (8) the Kansas dental board;
- (9) the state board of education;
- (10) the Kansas board of examiners in fitting and dispensing of hearing instruments;
- (11) the board of examiners in optometry;
- (12) the state board of healing arts, as provided by subsection (t);
- (13) the secretary of health and environment, with respect to K.S.A. 82a-1201 et seq., and amendments thereto;
- (14) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;
- (15) the state board of mortuary arts;
- (16) the board of nursing;
- (17) the state board of pharmacy;
- (18) the Kansas real estate commission;
- (19) the real estate appraisal board;
- (20) the state board of technical professions, as provided by subsection (t); and
- (21) the state board of veterinary examiners.

(v) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(w) Commencing on July 1, 2021, and each year thereafter, each licensing body listed in subsection (u)(1) through (21) shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each year, providing information requested by the director of legislative research to fulfill the requirements of this subsection. The director of legislative research shall develop the report format, prepare an analysis of the reports and submit and present the analysis to the office of the governor, the committee on commerce, labor and economic development of the house of representatives, the committee on commerce of the senate, the committee on appropriations of the house of representatives and the committee on ways and means of the senate by January 15 of the succeeding year. The director's report may provide any analysis the director deems useful and shall provide the following items, detailed by applicant type, including military servicemember, military spouse and non-military individual:

- (1) The number of applications received under the provisions of this section;
- (2) the number of applications granted under this section;
- (3) the number of applications denied under this section;
- (4) the average time between receipt of the application and completion of the application;
- (5) the average time between receipt of a complete application and issuance of a license, certification or registration; and
- (6) identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations.

All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants.

History: L. 2012, ch. 1, § 1; L. 2013, ch. 95, § 2; L. 2015, ch. 76, § 9; L. 2021, ch. 70, § 1; L. 2023, ch. 61, § 2; July 1.

Louisiana

[Louisiana Revised Statutes | Chapter 1-E - WELCOME HOME ACT | Casetext](#)

Section 37:51 - Definitions

The words defined in this Section have the meanings given to them for purposes of this Chapter unless the context clearly requires otherwise.

- (1) "Board" means any state executive branch board, commission, department, or other agency that regulates the entry of persons into a particular profession or occupation or that is authorized to issue or revoke occupational licenses or certifications.
- (2) "Occupational license" means a nontransferable authorization issued by a state to an individual to legally practice or engage in a regulated profession or occupation.
- (3) "Other state" or "another state" means any United States territory or state in the United States other than this state.
- (4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform pursuant to an occupational license or certification issued in this state.

La. R.S. § 37:51

Added by Acts 2024, No. 568, s. 1, eff. 8/1/2024. Added by Acts 2024, No. 253, s. 1, eff. 8/1/2024.

Section 37:52 - Occupational license or certification

A. Notwithstanding any other law, a board shall issue an occupational license or certification to a person upon application, if all of the following apply:

- (1) The applicant holds a current and valid occupational license or certification in another state in a lawful occupation with a similar scope of practice, as determined by the board in this state.
- (2) The applicant has held the occupational license or certification in the other state for at least one year.
- (3) The other state required the applicant to pass an examination, or to meet education, training, or experience standards.
- (4) The other state holds the applicant in good standing.
- (5) The applicant does not have a disqualifying criminal record as determined by the board in this state under state law.
- (6) The applicant does not have a disciplinary action or investigation pending in another state. If the applicant has a disciplinary action or investigation pending, the board in this state shall not

issue or deny an occupational license or certification to the person until the disciplinary action or investigation is resolved or the person otherwise meets the criteria for an occupational license or certification in this state to the satisfaction of the board in this state.

(7) The applicant pays all applicable fees in this state.

(8) The applicant lives in this state and provides proof of residency as outlined in R.S. 37:53.

B. If another state issued the applicant a certification, but this state requires an occupational license to work, the board in this state shall issue an occupational license to the applicant if the applicant otherwise satisfies Subsection A of this Section.

C. Notwithstanding any other provision of law to the contrary, the Louisiana State Board of Medical Examiners and the Louisiana Board of Veterinary Medicine shall issue a conditional license or certification, pending normal licensure, to an applicant who otherwise satisfies Subsection A of this Section.

D. In addition to the requirements of Subsection A of this Section, the Louisiana State Board of Dentistry may require that an applicant for dental licensure has successfully completed an initial clinical licensure examination in a jurisdiction that included a hand skills assessment.

E. A license issued under this Chapter may contain the following statement: "Licensed by Endorsement, R.S. 37:51 et seq."

La. R.S. § 37:52

Added by Acts 2024, No. 568, s. 1, eff. 8/1/2024. Added by Acts 2024, No. 253, s. 1, eff. 8/1/2024.

Section 37:53 - Residency

For purposes of this Chapter, residency may be established by producing proof of one of the following:

(1) A current state-issued identification card.

(2) A state-issued voter registration card.

(3) Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his spouse. If an applicant uses this method to obtain licensure, a board shall require another form of proof of residency listed in this Section, six months after licensure is granted.

(4) A current homestead exemption for this state.

La. R.S. § 37:53

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Section 37:54 – Examination

A. A board may require an applicant to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if an occupational license or certification in this state requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules that regulate the occupation or certification.

B. If the Horticulture Commission of Louisiana administers an examination as part of the licensure process, it may require applicants to take and pass all or part of the examination as may be necessary to demonstrate competence regarding Louisiana specific flora or Louisiana specific environmental issues.

C. If an examination is required for licensure or certification pursuant to the Louisiana Pesticide Law, R.S. 3:3201 et seq, applicants may be required to take and pass all or part of the examination as may be necessary to demonstrate competence regarding Louisiana specific flora, fauna, or environmental issues.

La. R.S. § 37:54

Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.

Section 37:55 - Decision

A board shall provide an applicant with a written decision regarding his application within sixty days after receiving a completed application.

La. R.S. § 37:55

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Section 37:56 – Appeal

- A.** An applicant may appeal a board's decision to a court of general jurisdiction.
- B.** An applicant may appeal any of the following:
 - (1)** The board's denial of an occupational license or certification.
 - (2)** The board's determination of the occupation or certification.
 - (3)** The board's determination of the similarity of the scope of practice of the occupational license or certification issued.

La. R.S. § 37:56

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Section 37:57 - State laws and jurisdiction

A person who obtains an occupational license or certification pursuant to this Chapter is subject to all of the following:

- (1)** The laws regulating the occupation in this state.
- (2)** The jurisdiction of the board in this state.

La. R.S. § 37:57

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Section 37:58 – Exceptions

- A.** This Chapter does not apply to an occupation regulated by the state supreme court.
- B.** This Chapter shall not apply to peace officers as defined in R.S. 40:2402.
- C.** This Chapter does not apply to water and wastewater operator licenses.

La. R.S. § 37:58

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Section 37:59 – Limitations

- A.** Nothing in this Chapter shall be construed to prohibit a person from applying for an occupational license or certification under another statute or rule in state law.
- B.** An occupational license or certification issued pursuant to this Chapter is valid only in this state. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.
- C.** Nothing in this Chapter shall be construed to prevent this state from entering into a licensing compact, professional national mobility agreement, or reciprocity agreement with another state, foreign province, foreign country, international organization, or other entity. A person may apply for licensure in accordance with the provisions of this Chapter or may apply for licensure pursuant to the terms of the applicable licensing compact, professional national mobility agreement, or reciprocity agreement.
- D.** Nothing in this Chapter shall be construed to prevent this state from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization, or other entity.
- E.** Nothing in this Chapter shall be construed to require a private certification organization to grant or deny private certification to any individual.

La. R.S. § 37:59

Added by Acts 2024, No. 568,s. 1, eff. 8/1/2024.Added by Acts 2024, No. 253,s. 1, eff. 8/1/2024.

Mississippi

Miss. Code Ann. § 73-50-2

§ 73-50-2. Universal Recognition of Occupational Licenses Act; requirements for licensure; temporary practice permit; appeal; applicability of section.

(1) This section shall be known as the “Universal Recognition of Occupational Licenses Act.”

(2) As used in this section, the term:

(a) “License” means any license (other than a privilege license), certificate, registration, permit or other evidence of qualification that an individual is required by the state to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) “Occupational licensing board” means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license or government certification in the discipline applied for and at the same practice level to a person who establishes residence in this state if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

(b) There were minimum education requirements and, if applicable, work experience, examination and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

(f) The applicant pays all applicable fees in Mississippi.

(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant in the discipline applied for and at the same practice level, as determined by the occupational licensing board, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

(a) The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

(b) The applicant worked for at least three (3) years in the lawful occupation; and

(c) The applicant satisfies the provisions of paragraphs (c) through (f) of subsection (3) of this section.

(5) An occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

(6) For purposes of this section, residence may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

- (a)** Current Mississippi residential utility bill with the applicant's name and address;
- (b)** Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;
- (c)** Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his or her spouse; or
- (d)** Any verifiable documentation demonstrating Mississippi residency.

(7) A person who receives a license under this section is subject to the laws regulating the person's practice in this state and is subject to the occupational licensing board's jurisdiction.

(8) A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

(9) The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

If the application requires longer than two (2) weeks to process, the occupational licensing board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of subsection (3) or subsection (4) and pays all applicable fees as required by subsection (3)(f) or subsection (4)(c).

The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsections (3) through (5), as applicable.

(10)

- (a)** The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

- (i)** Denial of a license;
 - (ii)** Determination of the occupation;
 - (iii)** Determination of the similarity of the scope of practice of the license issued; or
 - (iv)** Other determinations under this section.
- (b)** The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an occupational licensing board, without regard to any previous determination that may have been made on the question in any action before the occupational licensing board.

(11) An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Universal Recognition of Occupational Licenses Act, Mississippi shall recognize occupational licenses obtained from other states." An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.

(12) An occupational licensing board shall adopt rules necessary to implement this section by January 1, 2022. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

(13) Nothing in this section shall be construed to prohibit an applicant for licensure from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi.

(14) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

(15) Nothing in this section shall be construed to apply to:

- (a)** The practice of law as regulated under Section 73-3-1 et seq.;
- (b)** Criteria for an applicant to obtain a license that is established under an interstate compact;

- (c)** The ability of an occupational licensing board to require an applicant to submit fingerprints in order to access state and federal criminal records information for noncriminal justice purposes;
- (d)** The practice of medicine by physicians as regulated under Section 73-25-1 et seq.;
- (e)** The provisions of the Military Family Freedom Act, Section 73-50-1; or
- (f)** An occupation regulated under Section 73-1-1 et seq. to the extent there is a conflict with a law granting licensure reciprocity under Section 73-1-1 et seq.

History

Laws, 2021, ch. 398, § 1, eff from and after July 1, 2021.

Title XXII OCCUPATIONS AND PROFESSIONS

Chapter 324

324.009. Licensure reciprocity — definitions — requirements — inapplicability, when. — 1. For purposes of this section, the following terms mean:

(1) "**License**", a license, certificate, registration, permit, accreditation, or military occupational speciality that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "**Military**", the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "**Nonresident military spouse**", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "**Oversight body**", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "**Resident military spouse**", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a license in Missouri in the same occupation or profession, and at the same practice level, for which he or she holds the current license, along with proof of

current licensure and proof of licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. An oversight body that administers an examination on laws of this state as part of its licensing application requirement may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The oversight body shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the oversight body shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

6. Any person who is licensed under the provisions of this section shall be subject to the applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the licensed occupation or profession in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not impede an oversight body's authority to require an applicant to submit fingerprints as part of the application process.

10. The provisions of this section shall not apply to an oversight body that has entered into a licensing compact with another state for the regulation of practice under the oversight body's jurisdiction. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

11. Notwithstanding any other provision of law, a license issued under this section shall be valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for licensure by an oversight body under the provisions of this section.

12. The provisions of this section shall not apply to any occupation set forth in subsection 6 of section [290.257](#), or any electrical contractor licensed under sections [324.900](#) to [324.945](#).

(L. 2018 S.B. 840, A.L. 2020 H.B. 1511 & 1452, A.L. 2020 H.B. 2046, A.L. 2021 H.B. 273 merged with H.B. 476)

Montana

[37-1-304. Licensure of out-of-state applicants -- reciprocity, MCA \(mt.gov\)](#)

Montana Code Annotated 2023

TITLE 37. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. GENERAL PROVISIONS

Part 3. Uniform Professional Licensing and Regulation Procedures

Licensure Of Out-Of-State Applicants -- Reciprocity

37-1-304. Licensure of out-of-state applicants -- reciprocity.

(1) Except as provided in Title 37, chapter 39, the board shall issue a license to practice without examination to a person licensed in another state if the board determines that:

(a) the other state's license standards at the time of application to this state are substantially equivalent to or greater than the standards in this state; and

(b) there is no reason to deny the license under the laws of this state governing the profession or occupation.

(2) The license may be issued if the applicant affirms or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from another state, the board may summarily suspend the license pending further action to discipline or revoke the license.

(3) This section does not prevent a board from entering into a reciprocity agreement with the licensing authority of another state or jurisdiction. Except as provided in Title 37, chapter 39, the agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if the license applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the board on a case-by-case basis.

History: En. Sec. 4, Ch. 429, L. 1995; amd. Sec. 1, Ch. 210, L. 1997; amd. Sec. 1, Ch. 100, L. 2011; amd. Sec. 1, Ch. 83, L. 2019; amd. Sec. 6, Ch. 590, L. 2023; amd. Sec. 35, Ch. 713, L. 2023.

Nebraska

[Nebraska Legislature](#)

84-950. Occupational license or government certification; issuance required; conditions; procedure; appeal; validity.

(1) Subject to subsection (2) of this section and except as otherwise provided in section 84-946.01 or an occupational licensing compact:

(a) An occupational board shall issue an occupational license or government certification to an individual upon application if:

(i) The applicant holds a credential in another state or a military occupational specialty in the United States Military for an occupation with a similar scope of practice, as determined by the occupational board;

(ii) The applicant has held the credential or military occupational specialty for at least one year;

(iii) To obtain such credential or specialty, the applicant was required to pass an examination or meet education, training, or experience standards;

(iv) The applicant does not have a disqualifying criminal record as determined by the occupational board and verified by a criminal background check. For an applicant applying for a credential regulated by the Uniform Credentialing Act, the criminal background check shall be conducted according to section 38-131;

(v) The applicant's credential or military occupational specialty has not been revoked because of negligence or intentional misconduct related to the applicant's work in the occupation;

(vi) The applicant has not surrendered a credential or military occupational specialty because of negligence or intentional misconduct related to the applicant's work in the occupation in any state or in the United States Military;

(vii) The applicant does not have a complaint, allegation, or investigation pending before a board in any state or in the United States Military that relates to unprofessional conduct or an alleged crime. If such a complaint, allegation, or investigation is pending, the occupational board shall not issue or deny an occupational license or government certification until the complaint, allegation, or investigation is resolved or the applicant otherwise meets the criteria for an occupational license or government certification to the satisfaction of the occupational board; and

(viii) The applicant has paid all applicable fees required for issuance of the occupational license or government certification in this state;

(b) If an applicant has work experience for an occupation in a state or in the United States Military that does not use a credential similar to an occupational license, a government certification, or a military occupational specialty to regulate an occupation with a similar scope of practice to an occupation for which this state requires an occupational license or government certification, as determined by the occupational board, the occupational board shall issue an occupational license or government certification to an individual upon application based on work experience in another state or in the United States Military if:

(i) The applicant is not applying for a credential for an occupation that requires a credential issued under the Uniform Credentialing Act;

(ii) The applicant worked for at least three years in the occupation;

(iii) The applicant has not had a credential or military occupational specialty revoked because of negligence or intentional misconduct related to the applicant's work in the occupation;

(iv) The applicant has not surrendered a credential or military occupational specialty because of negligence or intentional misconduct related to the applicant's work in the occupation in any state or in the United States Military;

(v) The applicant does not have a complaint, allegation, or investigation pending before a board in any state or in the United States Military that relates to unprofessional conduct or an alleged crime. If such a complaint, allegation, or investigation is pending, the occupational board shall not issue or deny an occupational license or government certification until the complaint, allegation, or investigation is resolved or the applicant otherwise meets the criteria for an occupational license or government certification to the satisfaction of the occupational board; and

(vi) The applicant has paid all applicable fees required for issuance of the occupational license or government certification in this state; and

(c) If an applicant holds a private certification and has work experience for an occupation in a state or in the United States Military that does not use an occupational license, a government certification, or a military occupational specialty to regulate an occupation with a similar scope of practice to an occupation for which this state requires an occupational license or government certification, as determined by the occupational board, the occupational board shall issue an occupational license or government certification to an individual upon application based on such certification and work experience in another state or in the United States Military if:

(i) The applicant is not applying for a credential for an occupation that requires a credential issued under the Uniform Credentialing Act;

(ii) The applicant worked for at least two years in the occupation;

(iii) The applicant holds a private certification in the occupation;

- (iv) The provider of such certification holds the applicant in good standing;
 - (v) The applicant has not had a credential, military occupational specialty, or private certification revoked because of negligence or intentional misconduct related to the applicant's work in the occupation;
 - (vi) The applicant has not surrendered a credential, military occupational specialty, or private certification because of negligence or intentional misconduct related to the applicant's work in the occupation in any state or in the United States Military;
 - (vii) The applicant does not have a complaint, allegation, or investigation pending before a board in any state or in the United States Military or another entity that relates to unprofessional conduct or an alleged crime. If such a complaint, allegation, or investigation is pending, the occupational board shall not issue or deny an occupational license or government certification until the complaint, allegation, or investigation is resolved or the applicant otherwise meets the criteria for an occupational license or government certification to the satisfaction of the occupational board; and
 - (viii) The applicant has paid all applicable fees required for issuance of the occupational license or government certification in this state.
- (2) Prior to issuance of an occupational license or government certification under subsection (1) of this section, an occupational board may require an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules and regulations that regulate the occupation if issuance of such occupational license or government certification in this state requires a person to pass such an examination.
- (3)(a) Except as otherwise provided in subdivision (b) or (c) of this subsection, an occupational board shall approve or deny an occupational license or government certification in writing within sixty days after receiving a complete application under subsection (1) of this section or within five business days after the next meeting of the occupational board that is held after receiving a complete application under subsection (1) of this section, whichever is sooner.
- (b) An occupational board may delay the approval or denial of an occupational license or government certification past the deadline prescribed in subdivision (a) of this subsection if the approval or denial is delayed because of the requirement to complete a criminal background check or a disciplinary history review, but such board shall approve or deny an occupational license or government certification in writing within five business days after receiving the results of the background check and the disciplinary history review or within five business days after the next meeting of the occupational board after receiving such results, whichever is sooner. Each occupational board shall document in writing each case in which approval or denial of an application is not provided within sixty days after receipt of the complete application.

(c) Notwithstanding subdivisions (a) and (b) of this subsection, a board that generally only holds a meeting quarterly shall only be required to approve or deny a license in writing within five business days after the next meeting of the board after receiving a complete application or, if a criminal background check or disciplinary history review is required, within five business days after the next meeting of the board after receiving such results.

(4) An applicant may appeal the denial of an occupational license or government certification under this section. The appeal shall be in accordance with the Administrative Procedure Act.

(5)(a) An occupational license or government certification issued pursuant to this section is valid only in this state and does not make the individual eligible to work in another state, in the United States Military, or under an interstate compact, or reciprocity agreement unless otherwise provided by law.

(b) Nothing in this section shall be construed to prevent this state from entering into a licensing compact or reciprocity agreement with another state, foreign province, or foreign country.

(c) Nothing in this section shall be construed to prevent this state from recognizing an occupational credential issued by a private certification organization, foreign province, foreign country, international organization, or other entity.

(d) Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual.

(e) This section provides a method of obtaining an initial occupational license or initial government certification in addition to and not in conflict with other methods under other provisions of law.

(f) Nothing in this section shall be construed to require an occupational board to issue an occupational credential in a manner that violates federal law.

Source:Laws 2024, LB16, § 11.
Effective Date: July 19, 2024

Cross References

Administrative Procedure Act, see section 84-920.
Uniform Credentialing Act, see section 38-101.

Nevada

NRS: CHAPTER 622 - GENERAL PROVISIONS GOVERNING REGULATORY BODIES (state.nv.us)

NRS 622.530 Regulatory body to adopt regulations for license by endorsement for qualified persons; restrictions; issuance of license by endorsement; conflicts with other license by endorsement provisions. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

- (a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;
- (b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and
- (c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

- (a) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;
- (b) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;
- (c) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;
- (d) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;
- (e) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;
- (f) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;
- (g) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and
- (h) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body, Æ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (g) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

(Added to NRS by 2017, 3510; A 2019, 4257)

New Hampshire

[Section 310:17 License Reciprocity.](#)

[New Hampshire Statutes - Table of Contents](#)

310:17 License Reciprocity. –

I. Notwithstanding any other state law to the contrary, the office shall issue licenses to professionals who present evidence of an active license in good standing from another jurisdiction, in accordance with rules adopted by the executive director under RSA 541-A, provided that the jurisdiction's licensing requirements are substantially similar to New Hampshire's licensing requirements, as determined by the executive director in consultation with the boards, commissions, and councils within the office. Individuals seeking a license by endorsement pursuant to this section shall be required to undergo criminal history records check if otherwise required for initial licensing applications for that profession.

II. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

Source. 2023, 111:1, eff. Aug. 27, 2023.

New Jersey

[N.J. Legislative Statutes \(state.nj.us\)](http://state.nj.us)

45:1-7.5 Issuance of professional or occupational license, certificate of registration, or certification.

3. a. Upon receipt of a completed application, application fee, consent to a criminal history record background check, if applicable, and requisite fee for such a check, a board shall issue a professional or occupational license, certificate of registration, or certification to any person who documents that the person holds a valid, current corresponding professional or occupational license, certificate of registration, or certification in good standing issued by another state, if:

(1) the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure, registration, or certification substantially equivalent to the current standards of this State, as determined by the board or committee;

(2) the applicant had been practicing in the profession for which licensure in this State is sought, within the five years prior to the date of the application; and

(3) the requirements of subsection b. of this section have been satisfied with respect to the person.

b. Prior to the issuance of the license, certificate of registration, or certification pursuant to subsection a. of this section, the board or committee shall have received or obtained:

(1) documentation reasonably satisfactory to the board that the applicant's license, certificate of registration, or certification in that other state is valid, current, and in good standing;

(2) if a person is seeking licensure as a health care professional as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a criminal history record background check is otherwise required prior to licensure in this State, the results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police that does not disclose a conviction for a disqualifying crime; and

(3) designation of an agent in this State for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.

The provisions of paragraph (1) of this subsection shall be deemed to be satisfied with respect to a person who is seeking a license, certificate of registration, or certification pursuant to subsection a. of this section for the six months immediately following a natural disaster or other catastrophic event that occurred in the state that issued the person's corresponding professional or

occupational license, certificate of registration, or certification if the board, upon inquiry, determines that the issuing state is unable to timely provide the documentation following the natural disaster or catastrophic event. Notwithstanding this six-month time limit, in the case of a person seeking a license, certificate of registration, or certification pursuant to this paragraph due to a natural disaster or other catastrophic event that occurred on or after August 1, 2017, the board shall accept such a request for a period of not more than 12 months after the effective date of P.L.2018, c.78 if the board, upon inquiry, determines that the issuing state is unable to timely provide the documentation following the natural disaster or catastrophic event. The person shall submit the required documentation as soon as practicable.

c. For purposes of this section:

"Good standing" means that:

- (1) no action has been taken against the applicant's license by any licensing board;
- (2) no action affecting the applicant's privileges to practice that applicant's profession has been taken by any out-of-State institution, organization, or employer;
- (3) no disciplinary proceeding is pending that could affect the applicant's privileges to practice that applicant's profession;
- (4) all fines levied by any out-of-State board have been paid; and
- (5) there is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog.

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

d. For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.

e. An applicant's experience may be considered by the board or committee to compensate for disparity in substantial equivalence in education and examination requirements under subsection a. of this section.

f. An applicant shall satisfy or shall have satisfied all applicable prerequisites required for initial licensure in this State, such as obtaining insurance, including malpractice insurance, a

surety bond, or a pressure seal.

- g. An applicant shall answer truthfully all questions asked of an applicant for initial licensure.
- h. Not later than six months after the issuance of the license, the board or committee shall have received documentation reasonably satisfactory to the board verifying the person's education, training, and examination results.
- i. A board or committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.
- j. Nothing contained in this section shall preclude a board from requiring an applicant for licensure based on an out-of-State license to take an on-line jurisprudence course or an orientation available to the applicant at any time.
- k. Nothing contained in this section shall preclude a board from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.
- l. Nothing in this section shall preclude a board from exercising its discretion to grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state who does not meet the good standing requirement of subsection a. of this section due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime.
- m. Notwithstanding any law or regulation to the contrary, the provisions of this section shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L.1978, c.73 (C.45:1-15), except that the provisions of this section shall not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq., or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

L.2013, c.182, s.3; amended 2018, c.78.

New Mexico

[document.do \(nmonesource.com\)](http://document.do(nmonesource.com))

61-1-31.1. Expedited licensure; issuance.

A. A board that issues an occupational or professional license shall, as soon as practicable but no later than thirty days after an out-of-state licensee files a complete application for an expedited license accompanied by any required fees:

- (1) process the completed application; and
- (2) issue a license to the qualified applicant who submits satisfactory evidence that the applicant:
 - (a) holds a license that is current and in good standing issued by another licensing jurisdiction;
 - (b) has practiced and held an active license in the profession or occupation for which expedited licensure is sought for a period required by New Mexico law; and
 - (c) provides fingerprints and other information necessary for a state or national criminal background check or both if required by law or rule of the board.

B. An expedited license is a one-year provisional license that confers the same rights, privileges and responsibilities as regular licenses issued by a board; provided that a board may allow for the initial term of an expedited license to be greater than one year by board rule or may extend an expedited license upon a showing of extenuating circumstances.

C. Before the end of the expedited license term and upon application, a board shall issue a regular license through its license renewal process. If a board requires a state or national examination for initial licensure that was not required when the out-of-state applicant was licensed in the other licensing jurisdiction, the board shall issue the expedited license and may require the license holder to pass the required examination prior to renewing the license.

D. A board by rule shall determine those states and territories of the United States and the District of Columbia from which the board will not accept an applicant for expedited licensure and determine any foreign countries from which the board will accept an applicant for expedited licensure. The list of those licensing jurisdictions shall be posted on the board's website. The list of disapproved licensing jurisdictions shall

include the specific reasons for disapproval. The lists shall be reviewed by the board annually to determine if amendments to the rule are warranted.

History: Laws 2016, ch. 19, § 1; 2020, ch. 6, § 4; 2022, ch. 39, § 7; 2023, ch. 190, § 22.

Ohio

[Chapter 4796 - Ohio Revised Code | Ohio Laws](#)

[Section 4796.01](#) | Definitions.

Effective:

December 29, 2023

Latest Legislation:

Senate Bill 131 - 134th General Assembly

As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.

(B) "Licensing authority" means a state agency or political subdivision that issues licenses or government certifications.

(C) "State agency" has the same meaning as in section [1.60](#) of the Revised Code.

(D) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(E) "Out-of-state occupational license" means a license, certificate, registration, permit, card, or other authority that is issued or conferred by one of the uniformed services or the government of another state to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which that service or state has jurisdiction.

(F)(1) "Government certification" means authorization from a licensing authority, one of the uniformed services, or the government of another state to an individual who meets qualifications related to a profession, occupation, or occupational activity to which both of the following apply:

(a) Only an individual holding the authorization may use a specific title or titles when advertising or holding the individual's self out to engage in the profession, occupation, or occupational activity.

(b) An individual is not required to have the authorization to engage in the profession, occupation, or occupational activity in the respective jurisdiction.

(2) "Government certification" does not include a license or an out-of-state occupational license.

(G) "Private certification" means authorization from a private organization to an individual who meets qualifications determined by the organization related to the performance of a profession, occupation, or occupational activity and by which the individual may hold the individual's self out as certified by the organization.

(H) "National standard" means a standard declared by a national organization to be the preferred standard for licensure of a profession if both of the following apply:

(1) The standard is required by at least forty-five states, including this state, to receive a license or government certification for the respective profession, occupation, or occupational activity.

(2) The standard includes both of the following:

(a) A uniform quantitative minimum education or experience requirement;

(b) A requirement to pass a national examination.

(I) "Uniform quantitative minimum education or experience requirement" means a quantitative minimum education or experience requirement that is identical in all states that adopt a national standard.

(J) "National examination" means an examination that is substantially similar in all states that adopt a national standard.

(K) "Good standing" means that the individual's out-of-state occupational license, government certification, or private certification, as applicable, is not restricted or limited by the entity that regulates the out-of-state license, government certification, or private certification.

(L) "Armed forces of the United States" means the army, navy, air force, marine corps, space force, coast guard, or any other reserve components of those forces.

(M) "Uniformed services" means the armed forces of the United States; the commissioned corps of the national oceanic and atmospheric administration; the commissioned corps of the public health service; or any reserve components of those forces; and such other service as may be designated by congress.

[Section 4796.02](#) | Application of chapter.

Effective:

December 29, 2023

For purposes of any law requiring a licensing authority to issue a license or government certification under this chapter to an individual who holds a license or government certification issued by another state, "another state," "any other state," and "home state" include the uniformed services. This section does not apply to any provision of a law governing a profession, occupation, or occupational activity that does not require an individual who holds a license or government certification in another state to be issued a license or government certification under this chapter.

[Section 4796.03](#) | Licensure of out-of-state licensee or certificate holder.

Effective:

December 29, 2023

Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that all of the following apply:

(A) The applicant holds either of the following:

(1) A substantially similar out-of-state occupational license that authorizes the applicant to engage in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state;

(2) A government certification in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state from one of the uniformed services or a state that does not issue an out-of-state occupational license for the respective profession, occupation, or occupational activity.

(B)(1) Except as provided in division (B)(2) of this section, the applicant has held the out-of-state occupational license or government certification for at least one year immediately preceding the date the application is submitted and has been actively engaged in the practice of the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state for at least one of the five years immediately preceding the date the application is submitted.

(2) A licensing authority may waive the requirement that an applicant has held the out-of-state occupational license or government certification for at least one year immediately preceding the date the application is submitted and has been actively engaged in the practice of the profession, occupation, or occupational activity for one of the five years immediately preceding the date the application is submitted.

(C) The applicant is in good standing in all jurisdictions in which the applicant holds an out-of-state occupational license or government certification to practice the same profession, occupation, or occupational activity for which the applicant is applying in this state.

(D)(1) Except as provided in division (D)(2) of this section, the applicant was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the out-of-state occupational license or government certification.

(2) Division (D)(1) of this section does not apply if the applicable law governing the license or government certification for which the applicant is applying in this state

does not require an applicant to do at least one of the following to receive the license or government certification:

(a) Satisfy minimum education, training, or experience requirements;

(b) Pass an examination.

(E) The applicant has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state.

(F) The applicant pays a fee to the licensing authority that is equal to one of the following, as determined by the licensing authority:

(1) The renewal fee for license or government certification holders under the applicable law;

(2) The initial licensure fee for applicants to be issued the license or government certification under the applicable law;

(3) The fee in effect before the effective date of this section for applicants who hold an out-of-state occupational license or government certification to be issued the license or government certification under the applicable law.

(G) The applicant has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying.

[Section 4796.04](#) | Licensure of private certification holder.

Effective:

December 29, 2023

Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that all of the following apply:

(A)(1) Except as provided in division (A)(2) of this section, the applicant has held a private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the same profession,

occupation, or occupational activity as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity for at least two of the five years immediately preceding the date the application is submitted.

(2) A licensing authority may waive the requirement that an applicant has held the private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the practice of the profession, occupation, or occupational activity for two of the five years immediately preceding the date the application is submitted.

(B) The applicant is in good standing with the private organization that issued the private certification.

(C) The applicant meets the requirements specified under divisions (E) to (G) of section [4796.03](#) of the Revised Code.

Last updated March 6, 2023 at 4:51 PM

[Section 4796.05](#) | Licensure of individual with adequate work experience.

Effective:

December 29, 2023

(A) Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that an applicant satisfies divisions (B) and (C) of this section.

(B)(1) Except as provided in division (B)(2) of this section, the applicant has been actively engaged in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state for at least three of the five years immediately preceding the date the application is submitted in either of the following:

(a) A state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity;

(b) Service of the uniformed services.

(2) A licensing authority may waive the requirement that an applicant has been actively engaged in the practice of the profession, occupation, or occupational activity for three of the five years immediately preceding the date the application is submitted.

(C) The applicant meets the requirements under divisions (E) to (G) of section [4796.03](#) of the Revised Code.

[Section 4796.08](#) | Examinations; background checks; financial responsibility; federal requirements.

Effective:

December 29, 2023

(A) If a licensing authority requires an applicant to pass an examination on this state's laws and rules governing the applicable profession, occupation, or occupational activity to receive a license or government certification under the applicable law, a licensing authority may require an applicant to pass the examination to receive a license or government certification under this chapter.

(B) If a licensing authority requires an applicant under the law governing the applicable profession, occupation, or occupational activity to submit to a criminal records check to receive a license or government certification, the licensing authority shall require an applicant to submit to the criminal records check to receive a license or government certification under this chapter.

(C) If a licensing authority requires an applicant under the law governing the applicable profession, occupation, or occupational activity to satisfy a financial

responsibility requirement to receive a license or government certification, the licensing authority shall require an applicant to satisfy the requirement to receive a license or government certification under this chapter.

(D) If a federal law, rule, or regulation requires the state to impose a requirement on an applicant with which the applicant must comply to receive a license or government certification as a condition for the state to receive federal funding, the licensing authority may require an applicant to satisfy that requirement to receive a license or government certification under this chapter.

[Section 4796.10](#) | Disqualifying offenses.

Effective:

December 29, 2023

If an applicant would be disqualified from obtaining a license or government certification under this chapter because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense as described in division (G) of section [4796.03](#) of the Revised Code, the licensing authority may, in accordance with rules adopted under section [4796.30](#) of the Revised Code, issue a restricted or limited license or government certification to the applicant, provided the limitation or restriction is relevant to the offense.

[Section 4796.11](#) | Disciplinary actions.

Effective:

December 29, 2023

If the law governing the applicable profession, occupation, or occupational activity allows or requires a licensing authority to take disciplinary action against an applicant, including but not limited to refusing to issue, limiting, or restricting a license or government certification for a reason that is not related to minimum education, training, or experience requirements or an examination requirement, the licensing authority may apply the applicable provision of law to an applicant under this chapter in the same manner as to an applicant for an initial license under the applicable law.

[Section 4796.12](#) | Fitness to practice after specified period.

Effective:

December 29, 2023

If the law governing the applicable profession, occupation, or occupational activity allows a licensing authority to determine the fitness to practice of an applicant who has not been engaged in the practice of the profession, occupation, or occupational activity for a period of time specified in that law and to impose terms and conditions

on the applicant to receive a license or government certification, the licensing authority may apply the requirements of that law to an applicant under this chapter.

[Section 4796.13](#) | Past disciplinary action.

Effective:

December 29, 2023

If the law governing the applicable profession, occupation, or occupational activity allows or requires a licensing authority to deny an applicant a license or government certification if the applicant was subject to discipline by an entity that regulates a license, out-of-state occupational license, or government certification, the licensing authority may apply the applicable provision of law to an applicant under this chapter.

[Section 4796.20](#) | Written decisions; pending complaint, allegation, or investigation.

Effective:

December 29, 2023

(A) Except as provided in division (B) of this section, a licensing authority shall provide an applicant with a written decision to issue or reject a license or government certification under this chapter or take any other action under this chapter within sixty days after receiving a complete application. For purposes of this division, an application shall not be considered complete until any required examination or

criminal records check under divisions (A) and (B) of section [4796.08](#) of the Revised Code is complete.

(B) If an applicant is the subject of a complaint, allegation, or investigation that relates to information provided in the application, unprofessional conduct, a violation of a law regulating a profession, occupation, or occupational activity, or an alleged crime pending before a court, administrative agency, licensing authority, or other entity that regulates a license, out-of-state occupational license, or government certification, a licensing authority shall not issue or deny a license or government certification to the applicant under this chapter until the complaint, allegation, or investigation is resolved to the satisfaction of the licensing authority. A licensing authority shall provide the applicant with a written decision to issue or reject a license or government certification under this chapter or take any other action under this chapter within sixty days after the complaint, allegation, or investigation is resolved to the satisfaction of the licensing authority.

[Section 4796.21](#) | Scope of practice.

Effective:

December 29, 2023

An applicant who is issued a license or government certification under this chapter is subject to the laws regulating the practice of the applicable occupation or profession in this state and is subject to the licensing authority's jurisdiction.

An applicant who is issued a license or government certification under this chapter may practice the applicable occupation or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the applicant's training.

[Section 4796.22](#) | Equivalent treatment; national standard exception.

Effective:

December 29, 2023

(A) Except as provided in division (B) of this section, a license or government certification issued under this chapter shall be considered a license or government certification issued under the laws regulating the practice of the applicable occupation or profession in this state. Provisions of law applicable to a license or government certification issued to an applicant who does not obtain a license or government certification under this chapter apply in the same manner to licenses and government certifications issued under this chapter.

(B) A licensing authority may, for purposes of verifying licensure status in this state with an entity that licenses the same profession, occupation, or occupational activity in another state, require an applicant issued a license or government certification under this chapter to satisfy a national standard to have that license or government certification verified as a license or government certification issued by this state. A licensing authority may require satisfaction of a national standard under this division only if both of the following apply:

(1) An applicant for a license or government certification under the laws of this state governing the profession, occupation, or occupational activity is required to satisfy the national standard to receive the license or government certification.

(2) The licensing authority posts notice of the requirement to satisfy the national standard on the web site maintained by the licensing authority.

(C) If a licensing authority elects to require satisfaction of a national standard under division (B) of this section and the law governing the license or government certification in effect immediately before the effective date of this section required an applicant who holds an out-of-state occupational license or government certification to satisfy a requirement that is less restrictive than a requirement described in

division (B), (C), (D), (E), or (F) of section [4796.03](#) of the Revised Code to receive the license or government certification, the licensing authority shall do the following:

(1) Apply the less restrictive requirement to an applicant who satisfied the national standard;

(2) Apply the requirements of section [4796.03](#), [4796.04](#), or [4796.05](#) of the Revised Code to an applicant who did not satisfy the national standard.

[Section 4796.23](#) | Reciprocal licensing agreements.

Effective:

December 29, 2023

A licensing authority may prohibit an individual who is issued a license or government certification under this chapter from using the license or government certification to obtain a substantially similar license or government certification in another state if the licensing authority determines that allowing the individual to do so would jeopardize any reciprocal licensing agreement with the other state that is in effect on the effective date of this section.

Last updated March 6, 2023 at 4:54 PM

[Section 4796.24](#) | Interstate licensure compacts.

Effective:

December 29, 2023

An individual who holds a license issued pursuant to an interstate licensure compact to which Ohio is a party is not required to obtain a license under this chapter to practice in this state.

A licensing authority may prohibit an individual who is issued a license under this chapter from using the license to obtain a license through an interstate licensure compact if the licensing authority determines that allowing the individual to do so would jeopardize the state's membership in the compact.

[Section 4796.25](#) | Exempt licenses.

Effective:

December 29, 2023

This chapter does not apply to any of the following:

- (A) Licenses issued under Chapter 3796. of the Revised Code;
- (B) Licenses issued pursuant to rules prescribed under Section 5 of Article IV, Ohio Constitution;
- (C) Commercial fishing licenses issued under section [1533.342](#) of the Revised Code;

- (D) Licenses issued under Chapter 4506. of the Revised Code;
- (E) Physician certificates to recommend treatment with medical marijuana issued under section [4731.30](#) of the Revised Code;
- (F) Money transmitter licenses issued under section [1315.04](#) of the Revised Code;
- (G) Lottery sales agent licenses issued under section [3770.05](#) of the Revised Code;
- (H) Licenses issued under Chapter 3905. of the Revised Code;
- (I) Fantasy contest operator licenses issued under section [3774.02](#) of the Revised Code;
- (J) Teledentistry permits issued under section [4715.43](#) of the Revised Code;
- (K) Physician training certificates issued under section [4731.291](#) of the Revised Code;
- (L) Podiatrist training certificates issued under section [4731.573](#) of the Revised Code;
- (M) Licenses issued under Chapter 4740. of the Revised Code;

(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section [4740.01](#) of the Revised Code in the political subdivision's jurisdiction.

Last updated March 6, 2023 at 4:55 PM

[Section 4796.26](#) | Individual license requirement.

Effective:

December 29, 2023

Latest Legislation:

Senate Bill 131 - 134th General Assembly

PDF:

Download Authenticated PDF

Notwithstanding any requirement in the Revised Code that a licensing authority grant a license or government certification in accordance with this chapter, the licensing authority shall not grant the license or government certification under this chapter unless both of the following apply:

(A) The applicant is applying for the license or government certification in the applicant's capacity as an individual;

(B) One of the following applies:

(1) If the applicant seeks licensure or certification under section [4796.03](#) or [4796.04](#) of the Revised Code, the applicant held the applicable out-of-state occupational license, government certification, or private certification in the applicant's capacity as an individual;

(2) If the applicant seeks licensure or certification under section [4796.05](#) of the Revised Code, the applicant personally engaged in the profession, occupation, or occupational activity in a state that does not issue the occupational license or government certification for which the applicant is applying in this state.

Last updated March 6, 2023 at 4:55 PM

[Section 4796.30](#) | Administrative rules.

Effective:

April 3, 2023

Each licensing authority shall adopt rules as necessary to implement this chapter, including rules regarding issuing restricted or limited licenses or government certifications under section [4796.10](#) of the Revised Code.

[Section 4796.35](#) | Political subdivisions.

Effective:

December 29, 2023

A political subdivision shall not prohibit an individual who holds a license or government certification issued by a state agency under this chapter from engaging in the respective profession, occupation, or occupational activity in the political subdivision's jurisdiction.

Oklahoma

webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os59.pdf

§59-4150. Short title - Universal Licensing Recognition Act.

This act shall be known and may be cited as the "Universal Licensing Recognition Act".

Added by Laws 2021, c. 342, § 1, eff. Nov. 1, 2021.

§59-4150.1. Professional and occupational licensing recognition for applicants moving to and residing in Oklahoma.

A. There is hereby created professional and occupational licensing recognition for the issuance of licenses for applicants moving to and residing in Oklahoma. Unless otherwise provided by law, this act shall not apply to any laws authorizing reciprocity including interstate compacts, state-to-state reciprocal agreements and other state-to-state equivalency provisions pertaining to licensees and certificate holders and applicants from other states. For purposes of this act, "Oklahoma regulatory entity" means any administrative body or official with authority over any occupational or professional license or certification in this state.

B. A person moving to and residing in Oklahoma may make application for licensing or certification pursuant to the Universal Licensing Recognition Act if there is no conflict with any interstate compact or state-to-state reciprocity or equivalency agreements as determined by the Oklahoma regulatory entity. When an applicant moves from a state with or without statewide licensing or certification in the discipline applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to this act and such applicant establishes verifiable proof of physical residency in this state or is married to and accompanying an active duty member of the Armed Forces of the United States to an official permanent change of station to a military installation located in this state and such spouse is not making application pursuant to the Military Service Occupation, Education and Credentialing Act, all of the following shall apply:

1. The out-of-state applicant is a person who is currently licensed or certified by another state with similar scope of work through substantially similar or equivalent licensure or certification standards of examination, minimum education requirements and, if applicable, professional work experience, education training and clinical supervision requirements and the other state verifies that the person met these requirements in order to be licensed or certified in that state, the out-of-state state license or certification is and has been maintained in good standing in all states in which the person holds a license or certification for at least one (1) year before making application to Oklahoma under this act, and there is no Oklahoma statutory authority under Title 59 of the Oklahoma Statutes for license reciprocity or interstate compact with Oklahoma in the professional discipline applied for and at the same practice level as determined by the Oklahoma regulating entity;

2. The person demonstrates verifiable proof as determined by the Oklahoma regulating entity of having work experience, education training and clinical supervision, as applicable, in the

scope of work of the lawful profession for the same amount of time required for Oklahoma in-state applicants;

3. Except for Oklahoma regulating entities with statewide licensing and certifications under an interstate licensing compact or state-to-state reciprocal licensing agreement providing parity among the states and having substantially similar training or work requirements, the Oklahoma regulating entity shall apply all substantially similar and verifiable professional work experience, education training and clinical supervision in the manner most favorable towards satisfying any professional work experience, education training and clinical supervision qualifications for issuance of the requested license or certification that facilitates recognition among states for licensing in the discipline applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to the requirements of the state license or certification;

4. The person demonstrates a successful passage of an equivalent or substantially similar examination from another state or the examination for the Oklahoma examination requirement as determined by the Oklahoma regulatory entity;

5. The person pays all applicable fees, not exceeding the cost of current in-state licensure fees;

6. The person making application demonstrates verifiable proof that the person has not had and is free of any pending complaint, investigation, suspension, revocation, voluntary surrender pending investigation or resolution of complaint, or discipline imposed by any other regulating entity or jurisdiction for unprofessional conduct involving the applicant's out-of-state work or any other state license or certification directly related to the application as determined by the Oklahoma regulating entity;

7. If another jurisdiction has taken disciplinary action against the person, the originating regulating entity or jurisdiction is to determine if the cause for the action was corrected and the matter resolved with the information made accessible and reported to Oklahoma. If the matter has not been resolved by that jurisdiction, the Oklahoma regulating entity will hold an application until the matter is resolved but not longer than one (1) year from the time of application at which time the regulating entity will deny the application unless notified of extraordinary circumstances warranting a one-time six-month extension before the application is to be approved or denied;

8. Upon licensure or certification under this act, the licensee or certificate holder shall report to the Oklahoma regulatory entity any final determination on disciplinary actions, resignations pending discipline, suspensions or revocations imposed by the originating jurisdiction within thirty (30) days; and

9. If state law other than this act requires a review of disqualifying criminal history records for a certain license or certification, the person shall demonstrate verifiable proof pursuant to the laws of Oklahoma that there is no disqualifying criminal history, pursuant to the criminal justice reform provisions limiting criminal history prohibitions at Section 4000.1 of Title 59 of the Oklahoma Statutes, and as determined by the Oklahoma regulating entity.

C. This section shall not prevent an Oklahoma regulating entity from entering into an interstate compact or state-to-state reciprocity agreement or other equivalency agreement with another state or jurisdiction to facilitate recognition, except that the agreement shall not allow

out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in Oklahoma if the applicant has not met standards that are substantially similar or equivalent to the standards required for Oklahoma as determined by the Oklahoma regulating entity in compliance with the statutory and regulatory authority of the Oklahoma regulating entity.

D. A person who is licensed pursuant to this act is subject to the laws regulating the person's practice and license or certification in Oklahoma and is subject to the Oklahoma regulating entity's jurisdiction.

E. A statewide professional or occupational license or certificate issued pursuant to this act is valid only in Oklahoma. It shall not make the person obtaining licensure or certification under this act eligible to work in another state under an interstate compact or state-to-state reciprocity agreement unless specifically authorized for the profession applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to the requirements of this act.

F. This act shall not apply to:

1. Requirements for a criminal history background check; and
2. Criteria for a license, permit or certificate of eligibility that is established by an interstate compact or state-to-state reciprocal agreement.

G. For purposes of this act, residency may be established by demonstrating verifiable proof of a state-issued identification card and one of the following if the document contains the name and physical address of the person making application:

1. Current Oklahoma residential utility bill;
2. Documentation of filing a tax return with the Oklahoma Tax Commission as a resident of Oklahoma;
3. Documentation of current ownership, or current lease for a term of at least twelve (12) months, of a primary place of residence in Oklahoma;
4. Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his or her spouse; or
5. Any other verifiable documentation demonstrating Oklahoma residency as determined by the Oklahoma regulating entity.

H. Nothing in this act shall allow any person to obtain a license or certification without satisfying substantially similar or equivalent requirements for in-state licensure or certification.

I. When an out-of-state applicant has complied with the requirements of Title 59 of the Oklahoma Statutes as determined by the Oklahoma regulatory entity and is not excluded from obtaining an Oklahoma license or certification by any provision of this act, the Oklahoma regulatory entity shall issue the appropriate license or certification.

J. Nothing in this act shall be construed to prohibit a person from applying for a statewide professional or occupational license or certification under another statute or rule in Oklahoma.

K. Nothing in this act shall be construed to prevent licensing or certification compacts or reciprocity agreements with another state or jurisdiction. L. This act shall be applied in a manner that increases recognition of licensure and certification among states without any right of an applicant to become licensed or certified in Oklahoma. Added by Laws 2021, c. 342, § 2, eff. Nov. 1, 2021.

Pennsylvania

[2020 Act 53 - PA General Assembly \(state.pa.us\)](http://state.pa.us)

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter 31. Powers and Duties

§ 3111. Licensure by endorsement.

(a) General rule.--Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in an applicable licensing statute, a licensing board or licensing commission shall issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth if, upon application to the licensing board or licensing commission, the applicant satisfies all of the following conditions:

(1) Holds a current license, certificate, registration or permit from another state, territory or country and the licensing board or licensing commission determines that state's, territory's or country's requirements are substantially equivalent to or exceed the requirements established in this Commonwealth.

(2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or licensing commission, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth unless the licensing board or licensing commission determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.

(4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit unless the licensing board or licensing commission determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.

(5) Pays any fees established by the licensing board or licensing commission by regulation.

(b) Provisional endorsement license.--A licensing board or licensing commission may issue a provisional license, certificate, registration or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the licensing board or licensing commission. The holder of a provisional endorsement license issued under this subsection may practice until any of the following occurs:

(1) A license, certificate, registration or permit is denied by the licensing board or licensing commission under this section.

(2) The expiration of the provisional endorsement license as established by the licensing board or licensing commission by regulation.

(3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

(c) Construction.--Nothing in this section is intended to supersede or replace existing statutory provisions relating to licensure by endorsement or licensure by reciprocity applicable to licensing boards and licensing commissions through their respective enabling statutes.

South Dakota

[Codified Law 36-1D | South Dakota Legislature \(sdlegislature.gov\)](https://sdlegislature.gov)

36-1D-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board or a department secretary, if the secretary is responsible for issuing the license, shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or a department secretary, if the secretary is responsible for issuing the license;
- (3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
- (5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter 1-26.

Source: SL 2021, ch 169, § 1; SL 2023, ch 133, § 1.

36-1D-2. Provisional license--Duration.

A licensing board or a department secretary, if the secretary is responsible for issuing the license, may issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the board. The holder of a provisional endorsement license issued under this section may practice until any of the following occurs:

- (1) A license, certificate, registration, or permit is denied by the licensing board under this section;
- (2) The expiration of the provisional endorsement license as established by the board by regulation; or
- (3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

Source: SL 2021, ch 169, § 2; SL 2023, ch 133, § 2.

36-1D-3. Application of chapter.

Nothing in this chapter may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession listed under § 36-1D-4.

Source: SL 2021, ch 169, § 3; SL 2023, ch 133, § 3.

36-1D-4. Affected professions.

The provisions of this chapter apply to any of the following:

- (1) Any occupation licensed pursuant to title 36;
- (2) Emergency medical technicians and emergency medical responders licensed pursuant to chapter 34-11;
- (3) Water and wastewater operators licensed pursuant to chapter 34A-3;
- (4) Teachers, administrators, and other educational professionals licensed pursuant to chapter 13-42; and
- (5) Commercial pesticide applicators licensed pursuant to chapter 38-21.

Source: SL 2021, ch 169, § 4; SL 2023, ch 133, § 4.

Utah

Utah Code Section 58-1-302

Effective 5/1/2024

58-1-302 License by endorsement.

Effective 5/1/2024

58-1-302 License by endorsement.

(1)As used in this section:

(a)"License" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.

(b)"Limited supervised training permit" means a temporary authorization to work in a limited professional capacity that would otherwise require licensure under this title.

(2) Subject to Subsections (4) through (7), the division shall issue a license to an applicant who has been licensed in another state, district, or territory of the United States if:

(a)the division determines that the license issued in the other state, district, or territory encompasses a similar scope of practice as the license sought in this state;

(b)the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and

(c)the applicant's license is in good standing in the other state, district, or territory where the license was issued.

(3)Subject to the other provisions of this section, the division may issue a license to an applicant who:

(a)has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i)

(A)the division determines that the applicant's education, credentialing examination, experience, and skills demonstrate competency in the profession for which the licensure is sought in this state; and

(B)the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or

(ii)the division determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the current requirements for the license sought in this state; or

(b)has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i)the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and

- (ii) the division determines that the education, credentialing examination, and experience was substantially similar to the current education, credentialing examination, and experience requirements for the license sought in this state.
- (4) The division may refuse to issue a license to an applicant under this section if:
 - (a) the division determines that there is reasonable cause to believe that the applicant is not qualified to receive the license in this state; or
 - (b) the applicant has a previous or pending disciplinary action related to the applicant's license.
- (5) Before the division issues a license to an applicant under this section, the applicant shall:
 - (a) pay a fee determined by the department under Section 63J-1-504; and
 - (b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the profession for which licensure is sought in this state.
- (6)
 - (a) For an applicant who is or has been licensed in another jurisdiction, but does not satisfy the requirements of Subsection (2) or (3), the division may evaluate and determine whether:
 - (i) the applicant is eligible for a license under this title because the applicant's education, credentialing examination, or experience obtained in the other jurisdiction is substantially similar to the education, credentialing examination, or experience requirements for the license; or
 - (ii) in light of the applicant's education or experience obtained in the other jurisdiction, the applicant's education or experience would be substantially similar to the education or experience requirements for a license under this title, if the applicant obtains additional education or experience.
 - (b) After the division chooses to evaluate an applicant under Subsection (6)(a), the division may issue a limited supervised training permit to the applicant if:
 - (i) the applicant has an employment offer from an employer in the state;
 - (ii) the employer attests to the division that the applicant will work under the direct supervision of an individual who:
 - (A) holds a license in good standing of the same classification as the limited supervised training permit; and
 - (B) has held the license for a minimum period of time defined by the division;
 - (iii)
 - (A) the division needs additional time to make a determination under Subsection (6)(a)(i); or
 - (B) the division determines under Subsection (6)(a)(ii) that additional education or experience would make the applicant's education or experience substantially similar to the education or experience requirements for a license under this title, the applicant wishes to pursue the education or experience, and the division establishes a deadline for the applicant to complete the additional education or experience;
 - (iv) the applicant pays a fee determined by the department under Section 63J-1-504;

- (v)the applicant meets the minimum professional standards to work in a supervised environment that the division, in consultation with the applicable board, establishes for the applicable profession;
- (vi)the applicant submits to a background check, if required for the license for which the applicant applied; and
- (vii)the applicant meets with the applicable board, if requested, to evaluate the applicant's qualifications.

(c)

(i)A limited supervised training permit issued under this Subsection (6) expires:

- (A)on the deadline that the division establishes for the applicant to complete the additional education or experience described in Subsection (6)(b)(iii)(B); or
- (B)upon the division's grant or denial of the applicant's application for licensure by endorsement.

(ii)The division may not renew or otherwise extend a limited supervised training permit unless:

- (A)a circumstance or hardship arose beyond the limited supervised training permit holder's control that prevented the limited supervised training permit holder from completing the licensure process;
- (B)the limited supervised training permit holder presents satisfactory evidence to the division that the limited supervised training permit holder is making reasonable progress toward obtaining licensure in the state;
- (C)the division grants the renewal or extension for a period proportionate to the circumstance or hardship; and
- (D)the limited supervised training permit holder's employer consents in writing to the renewal or extension.

(7)The division, in consultation with the applicable licensing board, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

(8)

(a)The provisions of this section control over any conflicting licensure by endorsement provision in another chapter of this title.

(b)The division, in consultation with the applicable licensing board and professional educators that help establish and monitor educational requirements for the profession of the applicant under review, shall ensure that the provisions of this section apply uniformly to the administration and enforcement of licensure by endorsement for each license type under this title.

(9)The division shall compile and post on the division's website an annual report that includes:

- (a)the number of licenses and limited supervised training permits issued under this section during the preceding year;

(b)each determination in which the division deems specified education, credentialing examination, experience, or skills substantially similar to the education, credentialing examination, experience, or skills required for a license sought under this section; and
(c)documentation of each instance in which the applicable board disagreed with the division's determination that an applicant's education, credentialing examination, experience, or skills from another jurisdiction were substantially similar to the education, credentialing examination, experience, or skills required for the license sought under this section.

Amended by Chapter 104, 2024 General Session

Vermont

Vermont Laws

Title 3 : Executive

Chapter 005 : Secretary of State

Subchapter 003 : Professional Regulation

(Cite as: 3 V.S.A. § 136a)

§ 136a. Uniform process for endorsement from other states

(a) Notwithstanding any statute or rule to the contrary and except as provided in subsection (b) of this section, all professions attached to the Office shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(b) Any profession determining that three years of demonstrated practice in another jurisdiction is not adequately protective of the public shall provide its rationale to the Director, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement.

(c) The Director may issue to an endorsement applicant a waiver of the profession's practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected. (Added 2019, No. 152 (Adj. Sess.), § 4, eff. April 1, 2021; amended 2021, No. 69, § 18, eff. June 8, 2021.)

Virginia

[§ 54.1-205. Universal license recognition \(virginia.gov\)](#)

§ 54.1-205. Universal license recognition.

A. For purposes of this section,

"Another state" or "other state" means any state, territory, possession, or jurisdiction of the United States.

"Neighboring state" means the District of Columbia, Maryland, North Carolina, Kentucky, Tennessee, or West Virginia.

B. Except as provided in subsection D, the regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;
2. The individual has held the professional or occupational license or government certification in the other state for at least three years;
3. The board in the other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;
4. There are no pending investigations or unresolved complaints against the individual, and the board in the other state holds the individual in good standing;
5. The individual does not have a disqualifying criminal record as determined by the board in the Commonwealth in accordance with [§ 54.1-204](#);
6. No board in another state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and
7. The individual pays all applicable fees.

C. Except as provided in subsection D, the regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize work experience in another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual worked in another state that does not use a professional or occupational license or government certification to regulate a profession or occupation, but the Commonwealth uses a professional or occupational license or government certification to regulate a profession or occupation with a similar scope of practice, as determined by the board;
2. The individual has worked in the profession or occupation for at least three years;
3. The individual passes any examination required by the board of applicants for licensure or certification; and
4. The individual satisfies the conditions outlined in subdivisions B 5, 6, and 7.

D. The Real Estate Appraiser Board, the Real Estate Board, the Board for Waste Management Facility Operators, and the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall, upon application by an individual, and without examination, immediately recognize the licenses or certificates issued by a neighboring state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in a neighboring state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;
2. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;
3. The individual does not have a disqualifying criminal record as determined by the board in accordance with § 54.1-204; and
4. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public.

E. The regulatory boards within the Department of Professional and Occupational Regulation may require an individual seeking a professional or occupational licensure

or government certification pursuant to this section to pass a jurisprudential examination specific to relevant state laws and administrative rules that regulate such profession or occupation if such an examination is required of other applicants for the same license or certification.

F. This section shall not apply to any professional services, as defined in § [2.2-4301](#).

2023, cc. [2](#), [3](#); 2024, c. [157](#).

Wyoming

[Title - 33.docx \(wyoleg.gov\)](#)

33-1-120. Professional and occupational licensure for qualified individuals licensed in other jurisdictions.

(a) As used in this section:

(i) "Active" means a status of occupational or professional licensure which has not been suspended, revoked or terminated and which is not otherwise inactive;

(ii) "Applicant" means a natural person seeking licensure from a professional or occupational licensing board of this state;

(iii) "Good standing" means a status of occupational or professional licensure which is in compliance with all requirements imposed by the issuing licensing, certification or registration authority;

(iv) "License" means any license, certificate or registration required to practice an occupation or profession.

(b) A professional or occupational licensing board shall issue a license to an applicant to allow the applicant to lawfully practice a profession or occupation requiring licensure in this state if the Wyoming licensing board determines that the applicant:

(i) Holds a relevant, active occupational or professional license in good standing from another state that mandates substantially equivalent or more stringent educational, training, examination and experience requirements for licensure than the licensing entity in this state. Substantial equivalency shall be determined pursuant to rules adopted by the licensing board in Wyoming provided that:

(A) The educational equivalency shall be determined by whether the degree required is a doctorate, master, bachelor, associate or other degree with curriculum deemed substantially equivalent by the licensing board;

(B) If the Wyoming licensing board requires an examination for licensure, the substantially equivalent examination requirement may be met by passing the same or an earlier version of the exam. The Wyoming licensing board shall waive this requirement if the individual has been licensed for more than ten (10) years;

(C) In evaluating any work experience requirements the provisions of subsection (c) of this section shall apply;

(D) In addition to any exam required under subparagraph (B) of this paragraph the Wyoming licensing board may require an examination relating to the specifics of Wyoming law and regulations regardless of the length of time the individual has been licensed.

(ii) Demonstrates competency in the occupation or profession for which the applicant seeks licensure. Competency shall be determined pursuant to rules that shall be adopted for that purpose and may include consideration of continuing education credits, recent work experience, prior licensing examinations, disciplinary actions taken against the applicant in other states and other appropriate factors;

(iii) Has not engaged in any act that would constitute grounds for refusal, suspension or revocation of the occupational or professional license sought in this state; and

(iv) Has completed all required application procedures and paid any required fee.

(c) All relevant work experience of an applicant, including full-time or part-time experience, regardless of whether in a paid or volunteer capacity, may be credited in any work experience requirement adopted by an occupational or professional licensing board.

(d) This section shall apply to all applications for licensure under W.S. 21-2-802 or under title 33 of the Wyoming statutes except for the following:

(i) An application to be an attorney at law under chapter 5 of title 33;

(ii) An application to any board which represents a profession with prescriptive drug authority, but only with respect to the profession with the prescriptive drug authority.

(e) Nothing in this section shall be held to limit the rights or privileges of a military service member under W.S. 33- 1-116.



Occupational Licensure Study

Introduction

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

Instructions

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

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

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

Definitions

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

Questionnaire

Board Structure

1. Please enter the full statutory name of the Board.
2. Please list the name(s) of all those providing responses to this Questionnaire. Please include:
(a) Name; (b) Title; (c) Email Address; and (d) Phone Number.
3. Please explain the composition of the Board (e.g. number/type of board members).
4. Please explain the composition of the Board's administrative staff, the full-time or part-time status of each, and whether those services are contracted.
5. Does staff availability impact the ability to process licenses in any way?
6. How often are regular meetings held each year?
7. On average, how often are special meetings held each year?

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

Application Process

9. For applicants holding out-of-state licenses, what are the application process requirements for each license type issued by the Board? Please describe in detail the documentation, education, hours of service, etc. required by an applicant for each license type.
10. How do the steps outlined in the process in Question 9 differ for an applicant who does not currently hold an out-of-state license in a similar profession? Please explain.

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

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

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

14. What agencies, entities, organizations, etc. does the Board utilize to conduct background checks? For each, please state what entity completes the background check and the purpose for requiring that type of background check for each applicant.
15. What is the average length of time it takes from the date the Board requests a background check for an applicant through the date the Board receives the results of the background check? If more than one type of background check is utilized, please submit a response for each type.
16. Does the Board automatically disqualify applicants based on a specific criminal conviction? If so, what types of convictions automatically disqualify an applicant and what length of time since conviction does the Board consider relevant to an applicant's criminal background (e.g., 5 years, 10 years, etc.)?
17. May an out-of-state applicant complete the submission of physical fingerprints in the applicant's home state?

18. If the Board utilizes a “good moral character” or similar standard to determine licensure, what factors are considered in making that determination?
19. What factors does the Board believe cause the lengthiest delays in the licensing of out-of-state applicants who have submitted completed applications?
20. Do out-of-state applicants raise issues to the Board about the length of time to obtain licensure? If so, please explain the most common stages or requirements of the application process where issues are raised.
21. Does the Board provide the option for provisional or temporary licenses for applicants holding out-of-state licenses?
22. If the Board grants provisional or temporary licenses for applicants holding out-of-state licenses, how soon after a completed application is submitted to the Board are such licenses typically approved?

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

Licensure Recognition

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

28. Which states does the Board's Professional Mobility mechanism grant licensure to individuals licensed in those states within three days? If three-day licensure is not granted, what information does the Board need in addition to the application requirements to allow an individual from the foreign state to practice in North Dakota?
29. How does the Board determine whether another state's licensing requirements are sufficient to recognize Professional Mobility in North Dakota?
30. From January 1, 2018 through October 31, 2023, how many total individuals submitted completed applications for licensure (all types)? Please identify each license type and the number of applications for each. If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.

31. Of the total completed applications for licensure (all types) in that time, how many individuals held current, valid, out-of-state licenses? Please count applicants even if you deemed them to be not substantially similar. If the Board does not track this information, please provide as much detail as possible to fulfill the intent of this request.
32. Of the total completed applications for licensure (all types), how many individuals with current, valid out-of-state licenses were granted licensure? Please do not include restricted license holders such as individuals required to complete additional steps in-state that other in-state current license holders were not required to complete. If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.
33. Of the total out-of-state individuals that held current, valid out-of-state licenses (all types) in that time, how many individuals were denied licensure or were required to complete additional steps in-state that other in-state current license holders were not required to complete? If the Board does not track this information, please state so, and provide as much detail as possible to fulfill the intent of this request.

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

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

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

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

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

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

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

Continuing Education

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

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

45. What factors does the Board consider in establishing the number of continuing education credits for licensees?
46. How many continuing learning credits may be obtained virtually for each license-type?
47. If there are specific types of continuing learning credits that must be obtained (e.g., ethics), please list them below and state the number of credit hours required for each.
48. How does the Board monitor peer states for continuing education improvements to minimize the burden on licensees?

Considerations

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

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

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

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

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

Requests for Data and Records

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

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

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

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

Senate Workforce Development Committee
Chairman Mike Wobbema
Vice Chairman Michelle Axtman
February 21, 2025

S.B. 2395

Testimony of Nathan Svihovec

IN FAVOR

I. Introduction

Chairman Wobbema, Vice Chairman Axtman, and members of the Senate Workforce Committee, my name is Nathan Svihovec and I am here to present testimony in support of S.B. 2395. For background, I served as the Labor Commissioner with the North Dakota Department of Labor and Human Rights from December 2022 – December 2024. During that time, I conducted a legislative study pursuant to S.B. 2249 (2023) on occupational licensure in North Dakota.

To be clear, I am here in my personal capacity and do not represent the Department or any other entity for the purposes of this hearing. I have, however, cleared my ability to be present today with the Governor's Office, Department of Labor and Human Rights, and my current employer. I've also met with several Assistant Attorneys General to identify any concerns they had prior to my testimony. I intend to share my knowledge of occupational licensure to ensure the committee has the information it needs to make an informed decision.

Thus, to ensure the elected members of the Legislative Assembly have the most meaningful and updated information on this subject, I will be discussing the sections of the bill as well as the corresponding support – based information learned through the study.

II. Legislative Study – S.B. 2249 (2023)

The 68th Legislative Assembly passed S.B. 2249, which required the Department of Labor and Human Rights to study Title 43 boards, the Education Standards and Practices Board, and Board of Law Examiners to analyze the possibility of two areas: (1) Licensing of out-of-state practitioners within three days and (2) Revising continuing education requirements to recognize time in practice and technology advancements.

The study included Q & A sessions, a 53-question Questionnaire to each board, meetings with each board, the establishment of and utilization of an Occupational Licensure Advisory Committee (OLAC) to help maximize efficiencies and knowledge of board processes, a high-

level survey of occupational associations and unions, and a detailed analysis of 26 other states that have passed universal licensure reform. This was certainly the most comprehensive licensure study to date and the Department accomplished this with only \$50,000 in state funds that were spent entirely in-state.

In December 2024, the Department issued a 40-page report detailing the methods, findings, and recommendations pursuant to the information learned during the study. Included with the report are five appendix items: (1) Appendix A – Questionnaire Responses and Data; (2) Appendix B – Questionnaire Completion and Board Meeting Dates; (3) Appendix C – Blank Questionnaire; (4) Appendix D – Other State ULR Laws (Oct. 28, 2024); and (5) Appendix E – Conversation Notes with Other States. S.B. 2395 is supported by the report as well as the many hours of conversations with boards, staff, and other states not detailed in the report.

The boards have been subjected to multiple studies over the past 6-7 years and continue to be subjected to ongoing studies moving forward. When I met with the boards during the Department’s study, I indicated there would need to be some compromise from all interested parties to effectively bring resolution to this issue and address the ongoing workforce needs of the state. I believe S.B. 2395 is that compromise and it provides a balanced and sensible solution to the concerns of interested parties.

III. S.B. 2395 Overview

A. Definitions (Pages 2-3)

S.B. 2395 creates a new chapter under Title 43. Page 1 through the top half of Page 2 creates a definitions section. The definitions, in my opinion, are the most underrated and critical components of the bill. These give context and clarity to the operative pieces of the bill.

Subsections 1-2: For the terms “Applicant” and “Application,” the key aspects of those definitions are that they mean completed effort on the applicant. During the study, we heard time after time of boards that encountered partially complete or incorrect applications. When the boards would attempt to contact those individuals, it was not uncommon that the individuals would never respond to the boards. Thus, these definitions are intended to mean individuals have completed their end of the process.

Subsection 3: The term “Board” means Title 43 boards or commissions as well as the Education Standards and Practices Board and the Board of Law Examiners.

Subsections 4-5: The phrase “Effective interstate compact” means that being a member of an interstate compact alone is not sufficient; the compact must have had the minimum number of states necessary for it to become operative. The purpose is that the benefit to ND from a board being a member of an interstate compact is that the borders/barriers are effectively removed; so, for a board to be exempt from certain requirements, it must actually have an operating interstate compact and not just waiting for other states to pass the same compact.

Subsections 6-7: The terms “License” and “Occupations or profession” clarify the scope of this bill applies to occupational licensure only.

Subsection 8: The phrase “Out-of-state licensee” is intentionally broadly defined to encompass the varying levels of government that may license an individual. We learned in the study that several states license some professions at the local level rather than through a state board. However, we also learned that each jurisdiction has varying levels of abilities for which an individual is licensed, which is not equivalent to the level ND licenses that profession. Thus, the definition was crafted to broadly apply jurisdictionally but narrowly apply to similarly licensed individuals.

Subsection 9: The phrase “Routine application” is defined to mean an application where it’s clear upon a board’s staff’s review that the applicant meets the requirements for licensure and there are no pending or past disciplinary actions for which the board’s expertise is necessary to determine whether the individual should be licensed in ND.

B. Universal Licensure (pages 2-3)

The first key operative language is the opening line, that the conditions that follow in subsections 1-7 are not required if a board is part of an effective interstate compact, executed license transfer, existing interstate mobility, or reciprocity agreement with another state. In other words, this opening line recognizes that those forms of license portability remove barriers and allow individuals licensed in those states to seamlessly obtain licensure in North Dakota. Part of the rationale for this piece is that many of our boards utilize national systems that operate like a universal licensure hub where standards are equivalent, and license verification is simplified. In addition, this provision encourages boards to seek and implement portability mechanisms or to begin the process of creating one if it does not exist.

If a board is not a member of one of the portability mechanisms, they must issue a license to an out-of-state licensee after application once the conditions in subsections 1-7 have been met. Those conditions are:

1. Active use of license in 2 of the 3 preceding years;
2. Competency and education in occupation;
3. Has not committed an act that would be grounds for refusal, suspension, or revocation;
4. Has not been disciplined by a board in the previous ten years;
5. Is not currently under investigation by a licensing authority;
6. If applicable, submits to a criminal history background check; and
7. Pay fees.

These requirements provide the minimum threshold for qualifying for a license by our boards while still ensuring public safety is not jeopardized. Based on the review of the 26 other states that have passed a version of universal licensure, these minimum standards – and often additional requirements – are in effect in every state. To be clear, boards may still license individuals that may have a disciplinary past, but the timeline is not triggered for those applications.

C. Board Operations (pages 3-4)

The Board Operations section of the bill creates minimum standards, necessary authorizations, and limited reporting for our boards. A common theme for several boards during the study was a lack of technology, staff authority, and availability of interstate compacts. Additionally, boards are not held to any period in which to issue licenses, which often creates situations where an applicant is waiting several weeks – sometimes months – to receive a license.

Subsection 1: Requires boards to issue a license within ten business days to an applicant who submits a complete, unencumbered, routine application. The timeframe specifically carves out boards in an effective interstate compact but requires that they issue licenses in a timely manner.

Subsection 2: Authorizes boards to grant provisional/temporary licenses between board meetings and ensures any existing limitations on such ability to delegate authority are superseded by the authority in this bill.

Subsection 3: Requires boards to provide application forms electronically. The study determined that at least 20 boards need and would utilize modernized licensing software. However, given the cost of such an implementation, it was determined to revisit that solution at a future legislative session. This addresses the small number of boards who do not provide any option to obtain the application electronically.

Subsection 4: Many boards require North Dakota-specific jurisprudence exams to obtain a license. During the study, the boards felt it imperative that an applicant demonstrate comprehension of the nuances specific to North Dakota laws that often differ from other states. The bill recognizes this need but requires boards to offer the examination at least once per month.

Subsection 5: During the study it was impossible to reconcile the data provided by boards on licensing timeframes. Boards utilize different definitions of when certain dates are met and, in many cases, do not have any of the requested data readily available. Thus, to give the 70th Legislative Assembly an accurate assessment of whether boards are meeting the requirements of this bill, subsection 5 implements two annual reports over the next two years. The data points sought are: (1) number of licenses granted, (2) number of licenses denied, (3) number of licenses not issued within ten business days; and (4) reason for the delay for licenses issued after the ten business days.

Subsection 6: During the study, several boards indicated they had reviewed interstate compacts and decided to not seek to join an existing compact. Additionally, many of our professions have no existing compacts in which to even consider joining. To provide ongoing information that will be available to the Labor Department, Governor's Office, and Legislature, this subsection of the bill requires boards that are not currently members of an effective interstate compact to annually review available compacts to determine whether joining the compact would be in the best interest of the profession and state. It requires boards to give consideration to workforce shortages and evolving trends in licensure and technology. It also requires boards to provide the labor commissioner with a copy of the considered compact and the board's reason for its determination that joining the compact was not in the best interest of the state.

Subsection 7: Simply authorizes boards to contract administrative services out as needed.

Subsection 8: Boards overwhelmingly refuted any reduction in continuing education hours during the study. The rationale generally involved ensuring competency and safety as technology and methodologies evolve – in fact, they evolve more rapidly today than ever before given the technological world we live in. However, given the available technology, the compromise on continuing education was that boards must allow all continuing education to be completed remotely/virtually. One of the primary examples of continuing education being included in the study was that professionals spend time away from their practice attending continuing education and often at high costs. This requirement attempts to resolve some of those concerns by providing licensees with options to complete continuing education hours without having to leave town.

Subsection 9: This subsection was requested by some of the board executive directors, but my understanding is that it allows boards the authority to assist an individual attempting to get licensed by providing necessary education or training if their license is not substantially equivalent.

Subsection 10: Under the amended language, this section gives the Governor the authority to appoint and remove members of a board for cause, misconduct, incapacity, or neglect of duty. It also allows a board member to continue serving in his or her position until the Governor makes an appointment to fill the position.

Subsection 11: This subsection provides an applicant with an order of grievance resolution by first attempting to resolve issues through the board then to the Governor's Office. It further requires boards to provide contact information for the governor's office on their websites of application forms.

IV. Conclusion

Chairman Wobbema, Vice Chairman Axtman, and members of the Senate Workforce Development Committee, the study was enlightening and provided much needed context to this topic. I learned much about the high caliber professionals we have making up the boards – especially their staff. S.B. 2395 is a necessary step in resolving the occupational licensure workforce challenges to North Dakota. It requires faster licensure while maintaining board autonomy and it standardizes the processes by which our boards license individuals. It accomplishes those goals all while ensuring public safety is not jeopardized. Thank you for your service to our state and for your consideration of this bill.

Report for Occupational Licensure and Continuing Education

S.B. 2249

68th Legislative Assembly



North Dakota Department of Labor
and Human Rights

Commissioner Nathan Svihovec and
Research Assistant Carolyn Laird

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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.¹

The 68th 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-time² 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.

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

² 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 68th Legislative Assembly passed S.B. 2249,³ 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 69th Legislative Assembly.

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

³ [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 Questionnaire⁴ 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.⁵

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

⁴ See Appendix C – Questionnaire.

⁵ 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.⁶ 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).⁷ The OLAC team typically met the first Thursday of

⁶ See Appendix B.

⁷ 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.⁸

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 meetings⁹ took place between February 13, 2024 and July 26, 2024.¹⁰ 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.

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

⁸ 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.

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

¹⁰ 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.¹¹ In addition to reviewing the legislation of those states, the research also included contacting state representatives from 16 states.¹²

¹¹ 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.

¹² 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 members¹³ and the lowest being three members.¹⁴ 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 boards¹⁵ having no staff and one board¹⁶ 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

¹³ The Board of Medicine is comprised of 15 members.

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

¹⁵ 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.

¹⁶ 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.¹⁷ 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

¹⁷ 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.¹⁸ 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, 2023.¹⁹

¹⁸ Appendix A – Questionnaire Responses and Data.

¹⁹ 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.²⁰ While the number of hours varied widely by board, four boards have no continuing education requirements.²¹ 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.

²⁰ Appendix A – Questionnaire Responses and Data.

²¹ 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:

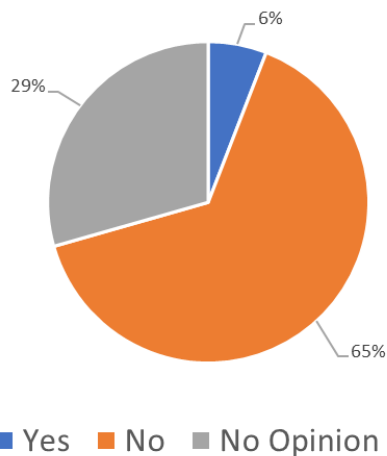
1. State Bar Association of North Dakota (3,000 members)
2. North Dakota Dental Association (approx. 400+ members)
3. North Dakota Land Title Association (64 companies)
4. North Dakota Counseling Association (272 members)
5. North Dakota Association for Behavior Analysis (97 members)
6. North Dakota 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.

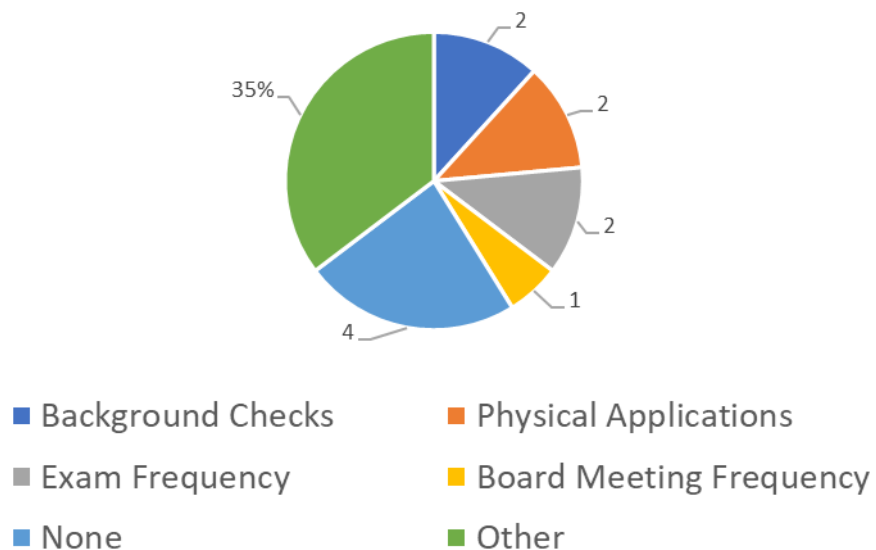
Question 2: How many professionally licensed individuals (e.g., members licensed under N.D.C.C. ch. 43 or analogous licensing authorities) are currently members of your organization?

(see parentheticals in #1)

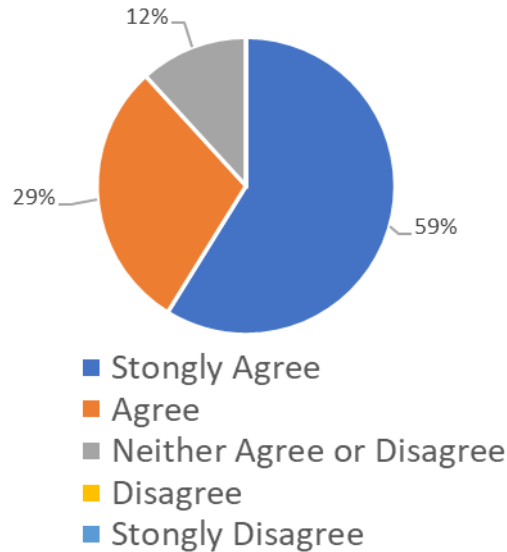
Question 3: On behalf of members who held valid out-of-state licenses in their profession before obtaining a license in North Dakota, does your organization currently find the licensure process unnecessarily burdensome?



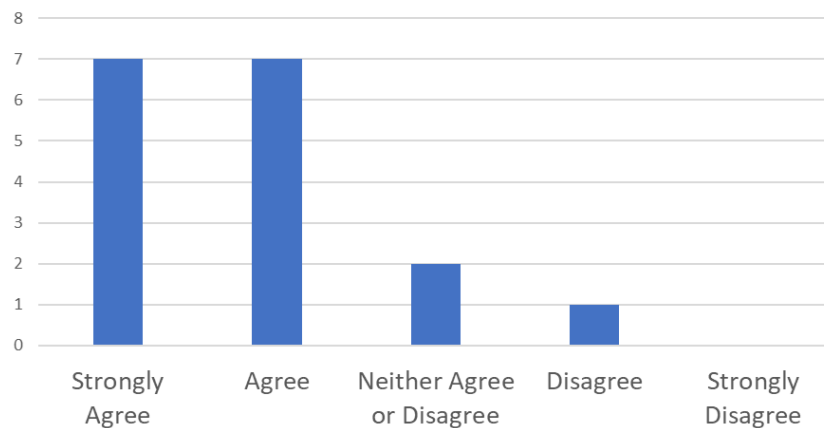
Question 4: On behalf of members who held valid out-of-state licenses before obtaining licenses in North Dakota, which of the following best accounts for the majority of time between application submission and license approval?



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.²² 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.²³

Each state's law is different and varies in scope and effect.²⁴ 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.²⁵ 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.²⁶

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",

²² 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.

²³ Appendix E – Conversation Notes with Other States.

²⁴ Appendix D (Other State ULR Laws (October 18, 2024).

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

²⁶ 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.²⁷

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.²⁸ 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

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

²⁸ 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.²⁹

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

²⁹ 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.³⁰

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

³⁰ [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.³¹ 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.”³²

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;

³¹ 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).

³² 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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Rep. Scott Wagner
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Rep. Landon Bahl
Rep. Jay Fisher
Rep. Jonathan Warrey
Sen. Randy Burckhard

Board Members and Staff

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
Examiners*
North Dakota Marriage and Family Therapy
Licensure Board
North Dakota Private Investigation and
Security Board
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*
North Dakota Board of Hearing Instrument
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.

Occupational Licensure Advisory Committee

Sandra DePountis, Executive Director, Board of Medicine
Mark Hardy, Executive Director, State Board of Pharmacy
Petra Mandigo Hulm, Clerk of Court, North Dakota Supreme Court
Dr. Rebecca Pitkin, Executive Director, Education Standards and Practices Board
James Schmidt, Executive Director, State Electrical Board
David Schaibley, Executive Director, Board of Dental Examiners

North Dakota Office of the Attorney General

Josh Amundson, former Asst. Atty. Gen.
Allyson Hicks, Asst. Atty. Gen.
Matt Menge, Asst. Atty. Gen.
Dave Lindell, Spec. Asst. Atty. Gen.
Stacy Moldenhauer, Spec. Asst. Atty. Gen.
Scott Porsborg, Spec. Asst. Atty. Gen.
Erik Wallevand, Asst. Atty. Gen.

Stephen Hanson, Asst. Atty. Gen.
Austin Lafferty, Asst. Atty. Gen.
Brian Bergeson, Spec. Asst. Atty. Gen.
Jack McDonald, Spec. Asst. Atty. Gen.
Dave Phillips, Spec. Asst. Atty. Gen.
Chris Redmann, Spec. Asst. Atty. Gen.
John Ward, Spec. Asst. Atty. Gen.

North Dakota Supreme Court

Chief Justice Jon J. Jensen
Justice Jerod Tuft

Justice Daniel J. Crothers
Justice Douglas A. Bahr

Justice Fair McEvers

Associations and Unions

Associated Builders & Contractors of North
Dakota and Minnesota
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
Technologists

North Dakota Academy of Nutrition and
Dietetics
North Dakota Association of Plumbing,
Heating & Mechanical Contractors
North Dakota Barbers' Association
North Dakota Counseling Association
North Dakota Dental Association
North Dakota Dental Association
North Dakota Pharmacists Association
North Dakota Speech-Language Hearing
Association

North Dakota Veterinary Medical
Association
State Bar Association of North Dakota

North Dakota Veterinary Technology
Association

Individuals

Brent Bogar, Jadestone Consulting, LLC
Katie Ralston Howe, Director, Workforce Development Council
Lt. Col. Jay Sheldon, North Dakota Army National Guard
Greg Hoffman, NDIT
Steve Harstad, North Dakota Bureau of Criminal Investigation
Krista Kurtz, Labor Department Administrative Assistant

Board	Meeting Date	Questionnaire Received	Data Received	Application Forms Received
Veterinary Medical Examiners	02/13/24, 9:00 a.m.	Yes	Yes	
Dietetic Practice (Dietiticians and Nutritionists)	02/26/24, 9:00 a.m.	Yes	Yes	
State Board of Chiropractic Examiners	03/06/24, 11:00 a.m.	Yes	Yes	Yes
Social Work Examiners	03/12/24, 8:30 a.m.	Yes	Yes	
State Board of Dental Examiners	03/13/24, 2:00 p.m.	Yes	Yes	
Professional Engineers and Land Surveyors	03/20/24, 9:00 a.m.	Yes	Yes	
State Real Estate Commission	03/21/24, 10:00 a.m.	Yes	Yes	Yes
State Board of Pharmacy	03/21/24, 13:30 hrs	Yes	Yes	
State Board of Medicine	03/22/24, Noon	Yes	Yes	Yes
ND Supreme Court (Meeting Only)	04/03/24, 9:00 a.m.	N/A	N/A	N/A
State Board of Law Examiners - Continuing Legal Ed.	04/09/24, 09:00 a.m.	Yes	Yes	Confidential-Not Providing
Clinical Laboratory Practice	04/09/24, 1:00 p.m.	Yes	Yes	Yes
State Board of Cosmetology	04/10/24, 10:00 a.m.	Yes	Yes	
Education Standards and Practices Board	04/11/24, 8:00 a.m.	Yes	Yes	Yes
Examiners in Audiology and Speech-Language Pathology	04/12/24, 12:30 p.m.	Yes	Yes	
Board of Podiatric Medicine	04/14/24, 7:00 p.m.	Yes	Yes	Yes
State Board of Accountancy	04/18/24, 10:00 a.m.	Yes	Yes	Yes
State Board of Funeral Services	04/24/24, 11:00 a.m.	Yes	Yes	
Respiratory Care Practitioners	04/25/24, 3:00 p.m.	Yes	Yes	Yes
Board of Hearing Aid Specialists	04/26/24, 8:00 a.m.	Yes		
Reflexology	04/30/24 7:00 p.m.	Yes		
Abstracters' Board of Examiners	05/02/24, 09:30 a.m.	Yes	Yes	
Medical Imaging and Radiation Therapy	05/02/24, 4:00 p.m.	Yes	Yes	Yes
Athletic Trainers	05/06/24, 8:00 a.m.	Yes	Yes	
State Board of Nursing (Directors and SAAG)	05/07/24, 9:00 a.m.	Yes	Yes	
Professional Soil Classifiers	05/08/24, 09:00 a.m.	Yes	None Since 2018/No Data	
Marriage and Family Therapy Practice	05/08/24, 11:00 a.m.	Yes		
Counselor Examiners	05/10/24, 8:30 a.m.	Yes	Yes	
Physical Therapy	05/13/24, 9:00 a.m.	Yes		
State Electrical Board	05/15/24, 9:00 a.m.	Yes	Yes	
Real Estate Appraiser Qualifications and Ethics Board	05/30/24, 9:30 a.m.	Yes	Yes	Yes
Plumbing Board	06/18/24, 1:00 p.m.	Yes	Yes	Yes

Integrative Health Care	06/18/24, 7:00 p.m.	Yes		
Nursing Home Administrators	07/11/24, 10:30 a.m.	Yes	Yes	
Psychologist Examiners	07/11/24, 13:00 hrs	Yes	Yes	
Addiction Counselors	07/12/24, 9:00 a.m.	Yes		
Occupational Therapists	07/15/24, 8:00 a.m.	Yes	Yes	
State Board of Barber Examiners	07/20/24, 6:00 p.m.	Yes		
State Board of Water Well Contractors	07/24/24, 08:00 a.m.	Yes	Yes	Yes
State Board of Architects and Landscape Architects	07/24/24, 10:30 a.m.	Yes	Yes	
State Board of Nursing (2nd Meeting/Full Board)	07/25/24, 09:00 a.m.	Yes		
Private Investigation and Security Board	07/25/24, 13:30 hrs	Yes		
State Board of Optometry	07/25/24, 4:30 p.m.	Yes		
Massage Therapy	07/26/24, 9:30 a.m.	Yes	Yes	Yes



STATE OF NORTH DAKOTA
GOVERNOR DOUG BURGUM

**NORTH DAKOTA STATE BOARD OF PHARMACY
OFFICE OF THE EXECUTIVE DIRECTOR**

MARK J. HARDY, PHARM.D | 1838 E INTERSTATE AVE SUITE D • BISMARCK, ND 58503
(701) 877- 2404 • WWW.NDBOARD.PHARMACY • MHARDY@NDBOARD.PHARMACY

Senate Bill 2395 - Universal Licensure and Board Operations

Senate Workforce Development Committee- Fort Lincoln Room
9:00 A.M.- Friday – February 21st, 2025

Chairman Wobbema and members of the Senate Workforce Development Committee, for the record I am Mark Hardy, PharmD, Executive Director of the North Dakota Board of Pharmacy. I appreciate the opportunity to be here today to voice our support for Senate Bill 2395 with the amendments.

This bill comes to you based on a study completed by the Department of Labor during the interim. This comprehensive study examined licensing boards in the state and provides another study for policymakers to ensure licensing boards are operating efficiently and appropriately. Through the study, we appreciated the open dialogue with the former Labor Commissioner and research assistant. It was very meaningful to discuss the best practices and to help brainstorm solutions based on their research and findings. A primary goal was to ensure applicants from out of state are moving into practice as quickly as possible within the state while ensuring safeguards for the public. We agree with the provisions set forward in this legislation that recognize, in large part, what many boards are currently doing, however, looking to meaningful address areas of best practice identified during the study. This bill would enact a Universal Licensure process for the state of North Dakota similar to other states.

Our Board is especially excited about the provision on page 4, number 9, which provides our Board the opportunity to further help to address needs in the workforce for pharmacists in our state. Our Board would like to further examine a model, like other states use, to work with the NDSU School of Pharmacy where the Board could fund, through our reserves, scholarships to incentivize future pharmacists to stay in our state to practice in communities needing medical professionals.

I think it is important to highlight to the committee there has been extensive studies by multiple agencies as well as legislative interim committees in the state looking at licensing boards to examine efficiencies and improvements. Based on these studies and actions, the state of North Dakota should have confidence in the framework of licensing boards in the state. North Dakota's framework leverages the free market and private businesses to drive efficiencies to ensure the state is well positioned to serve the citizens and have efficient and accessible models for Boards with no cost to the general fund. We learned of pitfalls of states that have tried to centralized Boards within a singular agency and the challenges it presents to the workforce and state.

These studies have taken a considerable amount of time and energy away from the limited resources of boards, as well as creating uncertainty with our general business operations. While I respect the legislature's authority over licensing board, I do hope this bill will bring some finality to these ongoing studies to allow boards to focus on their statutory obligations to the public and licensees and innovate in their processes.

Ultimately, SB2395 is very good legislation and, with the amendments, we are fully supportive. I particularly appreciate the bill sponsor, Majority Leader Hogue, asking and taking our input to ensure this legislation is ready for your considerations. I would be happy to address any questions you may have.

SENATE WORKFORCE DEVELOPMENT COMMITTEE
SENATOR MIKE WOBBERMA, CHAIRMAN

TESTIMONY PRESENTED BY

MICHAEL HOWE, SECRETARY OF STATE

Chairman Wobbema and members of the committee, I'm Michael Howe, North Dakota Secretary of State. I'm here to provide neutral testimony for SB 2395 and to request an amendment as I believe this bill has unintended impacts to our agency.

SB 2395 seeks to create a new chapter of NDCC Title 43. Three of the occupations included under this title—contractors (NDCC ch. 43-07), home inspectors (NDCC ch. 43-54), and professional employer organizations (NDCC ch. 43-55) – are licensed by our office. These licenses do not have a review board process or continuing education requirements that must be met to be licensed in the state. Home inspectors are required to pass an exam, but that is only on initial application, and we do not administer the exam. If SB2395 is passed without amendment, the requirements in this bill would impact the way these three occupations are licensed by our office.

The definition of "board" on page 1, starting on line 13 appears to include the Office of the Secretary of State in the statement "... or other agency of state government created or identified in this title ..." We believe a small amendment to the bill would exclude the licenses handled by our office that don't have greater review processes or occupational requirements. These licenses are very different from the requirements needed for other occupations under this title.

PROPOSED AMENDMENT TO SB2395

Page 1, Line 14, insert "excluding the secretary of state," after the word title.

"Board" means a board, commission, or other agency of state government, excluding the secretary of state, created or identified in this title to regulate a particular occupation or profession, the education standards and practices board, and the state board of law examiners.

IMPACTS IF NOT AMENDED:

Outlined below are the specific changes within the bill that would affect our office.

Page 2, Lines 11 and 12, 13 and 14

“...a board shall issue a license to an out-of-state licensee applicant to practice in this state if, upon application to the board, the applicant...Actively has used the license for two of the three years immediately preceding submitting an application under this section.”

- Is this an additional requirement that out-of-state applicants must be licensed in the other state for two of the three years? Or is this an alternative method for licensure? This would potentially require changes to our license applications and procedures.

Page 2, 21 and 22

“Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years”

- Is this an additional requirement that must be asked of out-of-state applicants? This would potentially require changes to our license applications and procedures.

Page 2, 23 and 24

“Is not under investigation by another licensing authority or law enforcement authority in a state, federal, or foreign jurisdiction”

- Is this an additional requirement that must be asked of out-of-state applicants? This would potentially require changes to our license applications and procedures. We currently ask similar questions, but may need to add some or change them and then also not allow an application to be processed if there is a pending investigation even if it is something that we would normally approve (e.g., DUI) if this means that we cannot issue if there is something pending.

Page 2, Lines 30 and 31

“A board shall issue a license within seven business days to an individual who submits a complete, unencumbered, routine application.”

- It is likely that we would be able to issue within the seven business days, but this would put a requirement on that.

Page 3, Line 9

“The licensing application form must be made available electronically.”

- If a fillable PDF form accessible from our website is acceptable, then this would not be an issue. If more than this is needed, changes would be needed for PEOs and home inspectors.

Page 3, Lines 15 – 19

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

- This would be a new data that would need to be tracked by our office. We would need to track the number issued, number denied, and number not issued within seven business days (including the reason for the delay).

Page 3, Lines 20 – 27

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

- This would require that we conduct an annual review of interstate compacts to determine whether we should join. It mentions the review being “noted clearly in the board's agenda and meeting minutes.” We do not have board meetings.

Page 4, Lines 11 – 13

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

- This would require that biennially, we consider options for limited licensing under certain circumstances.



NORTH DAKOTA BOARD OF NURSING

919 S 7th Street, Suite 504, Bismarck, ND 58504-5881

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Web Site Address: www.ndbon.org

SB 2395 Senate Workforce Committee ND Board of Nursing

Chair Wobbema and members of the committee,

Thank you for the opportunity to provide testimony regarding Senate Bill 2395. The North Dakota Board of Nursing (NDBON) supports this legislation in its amended form, as it brings clarity, efficiency, and alignment with best practices in occupational licensure.

Key Points of Support:

1. **Clarification on Exam Administration:**
SB 2395 clearly defines that not all licensing boards administer exams, such as the National Council Licensure Examination (NCLEX) for nurse licensure, which is administered by a third party (Pearson VUE). This distinction ensures that the NDBON is not subject to unnecessary administrative requirements related to examination scheduling.
2. **Alignment with the Nurse Licensure Compact:**
The NDBON is a proud member of the Nurse Licensure Compact (NLC), which spans 43 jurisdictions and was the first state to pass the APRN Compact. The NLC already promotes mobility and efficiency in nursing licensure and SB 2395 complements this framework by reinforcing universal licensure principles. This alignment strengthens North Dakota's commitment in supporting a modern, flexible workforce.
3. **Commitment to Licensing Efficiency:**
While SB 2395 allows up to ten business days for boards to issue routine licenses, the NDBON remains committed to faster processing, often completing applications within one to three business days. Additionally, we offer 90-day temporary licenses, enabling applicants to work in North Dakota while finalizing their applications.

Recent upgrades to our licensing system—already in use across many states studied in SB 2249—have further improved our efficiency. While online applications have been available for years, applicants and licensees now have personalized accounts to track license status, apply or renew, receive notifications, and communicate directly with the board from any device. Recent website enhancements have also improved accessibility, ensuring a seamless experience for applicants and stakeholders.

4. Collaboration with the North Dakota Department of Labor:

In 2023-2024, the NDBON partnered with the North Dakota Department of Labor to conduct a comprehensive study on boards and board operations. This study, conducted as a result of SB 2249 (passed during the 68th Legislative Assembly), provided valuable insights into best practices, regulatory efficiencies, and the evolving needs of occupational boards. SB 2395 reflects many of the lessons learned from that study, including recommendations for streamlined operations, enhanced reporting, and continuous improvement in licensure processes.

SB 2395 as amended supports NDBON's commitment to regulatory excellence, efficiency, workforce mobility, and public protection.

Dr. Stacey Pfenning DNP APRN FNP FAANP | NDBON Executive Director
919 S 7th St, Suite 504 | Bismarck, ND 58504
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spfenning@ndbon.org

25.1374.01002
Title.

Prepared by the Legislative Council
staff for Senator Hogue
February 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2395

Introduced by

Senator Hogue

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

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Applicant" means an individual who has submitted a completed application, including
9 all documentation and fees necessary for the board to consider licensing the
10 individual.
- 11 2. "Application" means the process and all required documentation necessary for the
12 board to consider licensure of the applicant.
- 13 3. "Board" means a board, commission, or other agency of state government created or
14 identified in this title to regulate a particular occupation or profession, the education
15 standards and practices board, and the state board of law examiners.
- 16 4. "Effective interstate compact" means the minimum number of states necessary for the
17 interstate compact to become operative have enacted the interstate compact.
- 18 5. "Interstate compact" means a legislative enactment to recognize and facilitate the
19 portability of occupational licenses across state lines.

6. "License" means the authorization by a board or the supreme court to practice an occupation or profession under state law or any other authority by which individuals are licensed in the state.

7. "Occupation or profession" means activity for which a license is required from a board or the supreme court or similar activity for which a license is required in another state or jurisdiction.

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

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

~~Uniform Licensure~~ **Universal licensure.**

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

1. a. Actively has used the license for two of the three years immediately preceding submitting an application under this section:

2. b. Provides or demonstrates competency and education in the profession or occupation through methods determined by the board:

3. c. Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license to practice that profession or occupation in this state unless the board determines, in its discretion, the act is not an impediment to the granting of a license to practice in this state:

4. d. Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years:

5. e. Is not under an active investigation by another licensing or disciplinary authority or law enforcement authority in a state, federal, or foreign jurisdiction:

1 6. f. Submits to a state and federal criminal background check, paid for by the
2 applicant, and conducted in the manner provided under section 12-60-24 if
3 required by the board and the board has statutory authority to repeat the
4 background check; and

5 7. g. Pays the fees established by the board.

6 2. Subdivision f of subsection 1 does not apply to the state board of law examiners,
7 which may conduct a character and fitness investigation.

8 **Board operations.**

9 1. A board shall issue a license within ~~seven~~ten business days to an individual who
10 submits a complete, unencumbered, routine application. This section does not apply to
11 processing applications through an effective interstate compact or an executed license
12 transfer agreement. Boards subject to an effective interstate compact shall issue a
13 license in a timely manner.

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

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

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

25 5. By July thirty-first of ~~each year~~2026 and 2027, on forms developed by the department
26 of labor and human rights, each board shall report to the labor commissioner data on
27 the number of licenses granted, number of licenses denied, number of licenses that
28 were not issued within the ~~seven-day~~ten-day timeline, and reason for the delay for
29 licenses issued after the ~~seven-day~~ten-day timeline.

30 6. Unless already a member of an effective interstate compact, a board shall annually
31 review available interstate compacts in professions it regulates to determine whether

1 joining the interstate compact would be in the best interest of the profession and state,
2 giving consideration to workforce shortages and evolving trends in occupation
3 licensure and technology. The review must be noted clearly in the board's agenda and
4 meeting minutes and the board must provide the labor commissioner with a copy of
5 the considered compact and the board's reason for determining that entering the
6 interstate compact was not in the best interests of the profession.

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

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

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

15 10. ~~The department of labor and human rights shall maintain on its website information~~
16 ~~regarding board resources, board member and staff contact information, and a~~
17 ~~message board for members and staff to engage in discussion channels as needed to~~
18 ~~identify trends and best practices for occupational licensure.~~ Unless otherwise provided
19 by law, the governor shall appoint members of a board and may remove members for
20 cause, misconduct, incapacity, or neglect of duty. After expiration of a term, a board
21 member may continue to serve until the governor makes an appointment to fill the
22 position.

23 11. An applicant aggrieved by a licensure delay shall first try to resolve the matter with the
24 board. If the matter cannot be resolved, the applicant may bring the matter to the office
25 of the governor. Each board shall provide information on its website or initial licensure
26 application regarding how to contact the office of the governor in the event a matter
27 between the applicant and the board cannot be resolved.

28 ~~Alternative pathways to licensure:~~

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

25.1374.01000

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2395

Introduced by

Senator Hogue

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

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10 individual.
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12 board to consider licensure of the applicant.
- 13 3. "Board" means a board, commission, or other agency of state government created or
14 identified in this title to regulate a particular occupation or profession, the education
15 standards and practices board, and the state board of law examiners.
- 16 4. "Effective interstate compact" means the minimum number of states necessary for the
17 interstate compact to become operative have enacted the interstate compact.
- 18 5. "Interstate compact" means a legislative enactment to recognize and facilitate the
19 portability of occupational licenses across state lines.
- 20 6. "License" means the authorization by a board to practice an occupation or profession
21 under state law or any other authority by which individuals are licensed in the state.
- 22 7. "Occupation or profession" means activity for which a license is required from a board
23 or similar activity for which a license is required in another state or jurisdiction.

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

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

9 **Uniform Licensure.**

10 Unless the state is part of an effective interstate compact, an executed license transfer, or
11 reciprocity agreement with another state, or offers existing interstate mobility laws, a
12 board shall issue a license to an out of state licensee applicant to practice in this state if, upon
13 application to the board, the applicant:

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

30 **Board operations.**

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

- 1 processing applications through an effective interstate compact or an executed license
2 transfer agreement. Boards subject to an effective interstate compact shall issue a
3 license in a timely manner.
- 4 2. A board may grant authority to staff or selected board members to issue a provisional
5 or temporary license between board meetings to an applicant seeking permanent state
6 licensure if the application is routine, complete, and meets all the requirements for
7 licensure. To the extent this provision conflicts with any existing limitations on such
8 delegated authority, this provision supersedes those limitations.
- 9 3. The licensing application form must be made available electronically.
- 10 4. As part of a complete application, a board may require an individual seeking licensure
11 in this state to pass a jurisprudence examination on North Dakota law applicable to the
12 licensed profession. If the examination is a requirement for licensure, and the
13 examination is administered by the board, the examination must be made available at
14 least once per month. The board may adopt limits on examination attempts.
- 15 5. By July thirty-first of each year, on forms developed by the department of labor and
16 human rights, each board shall report to the labor commissioner data on the number
17 of licenses granted, number of licenses denied, number of licenses that were not
18 issued within the seven-day timeline, and reason for the delay for licenses issued after
19 the seven-day timeline.
- 20 6. Unless already a member of an effective interstate compact, a board shall annually
21 review available interstate compacts in professions it regulates to determine whether
22 joining the interstate compact would be in the best interest of the profession and state,
23 giving consideration to workforce shortages and evolving trends in occupation
24 licensure and technology. The review must be noted clearly in the board's agenda and
25 meeting minutes and the board must provide the labor commissioner with a copy of
26 the considered compact and the board's reason for determining that entering the
27 interstate compact was not in the best interests of the profession.
- 28 7. A board may contract with an entity, another board, or an individual to obtain
29 administrative and support services to assist in the operation of the board.

- 1 8. Unless otherwise specifically authorized by other laws or rules of the board, all
- 2 continuing education requirements for licensure renewal must include the ability to
- 3 complete all required continuing education hours by virtual or remote means.
- 4 9. A board may assist in providing education or resources for a licensee or an individual
- 5 interested in pursuing the regulated occupation or profession.
- 6 10. The department of labor and human rights shall maintain on its website information
- 7 regarding board resources, board member and staff contact information, and a
- 8 message board for members and staff to engage in discussion channels as needed to
- 9 identify trends and best practices for occupational licensure.
- 10 **Alternative pathways to licensure.**
- 11 ~~Biennially, each board under title 43 shall consider options to provide limited licensing to an~~
- 12 ~~individual with relevant experience who has not previously held an equivalent license of the type~~
- 13 ~~issued by the board.~~

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2395
2/21/2025
10:42 a.m.

Relating to uniform licensure and board operations.

10:42 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Opt-out provisions
- Excluding of Secretary of State

10:52 a.m. Senator Powers motioned amendment LC#25.1374.01003.

10:52 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion Passed 5-0-0.

10:53 a.m. Senator Boschee moved Do Pass as amended.

10:53 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion Passed 5-0-0.

Chairman Wobbema will carry the bill.

10:54 a.m. Chairman Wobbema closed the hearing.

Senate Workforce Development Committee

SB 2395

02/21/2025

Page 2

Andrew Ficek, Committee Clerk

February 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2395

Introduced by

Senator Hogue

2-21-25

AB 1 of 4

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

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Applicant" means an individual who has submitted a completed application, including
9 all documentation and fees necessary for the board to consider licensing the
10 individual.
- 11 2. "Application" means the process and all required documentation necessary for the
12 board to consider licensure of the applicant.
- 13 3. "Board" means a board, commission, or other agency of state government, ~~excluding~~
14 the secretary of state, created or identified in this title to regulate a particular
15 occupation or profession, the education standards and practices board, and the state
16 board of law examiners.
- 17 4. "Effective interstate compact" means the minimum number of states necessary for the
18 interstate compact to become operative have enacted the interstate compact.
- 19 5. "Interstate compact" means a legislative enactment to recognize and facilitate the
20 portability of occupational licenses across state lines.

- 1 6. "License" means the authorization by a board or the supreme court to practice an
2 occupation or profession under state law or any other authority by which individuals
3 are licensed in the state.
- 4 7. "Occupation or profession" means activity for which a license is required from a board
5 or the supreme court or similar activity for which a license is required in another state
6 or jurisdiction.
- 7 8. "Out-of-state licensee" means an individual who holds a license, certificate, permit, or
8 similar authorization to practice an occupation or profession, which is issued by a
9 government agency in another state or jurisdiction in the United States which imposes
10 requirements for obtaining and maintaining the license, certificate, or permit, which are
11 comparable to the requirements imposed in this state to obtain and maintain a license
12 to practice the same profession or occupation.
- 13 9. "Routine application" means an application that meets all the requirements for
14 licensure with no derogatory or adverse information in the application.

15 ~~Uniform Licensure~~ **Universal licensure.**

- 16 1. Unless the ~~state~~ board is part of an effective interstate compact, an executed license
17 transfer, **existing interstate mobility**, or reciprocity agreement with another state, a
18 board shall issue a license to an out-of-state licensee applicant to practice in this state
19 if, upon application to the board, the applicant:
- 20 ~~1.~~ a. Actively has used the license for two of the three years immediately preceding
21 submitting an application under this section;
- 22 ~~2.~~ b. Provides or demonstrates competency and education in the profession or
23 occupation through methods determined by the board;
- 24 ~~3.~~ c. Has not committed any act that constitutes grounds for refusal, suspension, or
25 revocation of a license to practice that profession or occupation in this state
26 unless the board determines, in its discretion, the act is not an impediment to the
27 granting of a license to practice in this state;
- 28 ~~4.~~ d. Has not been disciplined in any jurisdiction in which the individual has held a
29 license within the last ten years;
- 30 ~~5.~~ e. Is not under an active investigation by another licensing or disciplinary authority
31 or law enforcement authority in a state, federal, or foreign jurisdiction;

~~6.~~ f. Submits to a state and federal criminal background check, paid for by the applicant, and conducted in the manner provided under section 12-60-24 if required by the board and the board has statutory authority to repeat the background check; and

~~7.~~ g. Pays the fees established by the board.

2. Subdivision f of subsection 1 does not apply to the state board of law examiners, which may conduct a character and fitness investigation.

Board operations.

1. A board shall issue a license within ~~seventen~~ business days to an individual who submits a complete, unencumbered, routine application. This section does not apply to processing applications through an effective interstate compact or an executed license transfer agreement. Boards subject to an effective interstate compact shall issue a license in a timely manner.

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

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

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

5. By July thirty-first of ~~each year~~2026 and 2027, on forms developed by the department of labor and human rights, each board shall report to the labor commissioner data on the number of licenses granted, number of licenses denied, number of licenses that were not issued within the ~~seven-day~~ten-day timeline, and reason for the delay for licenses issued after the ~~seven-day~~ten-day timeline.

6. Unless already a member of an effective interstate compact, a board shall annually review available interstate compacts in professions it regulates to determine whether

4084

1 joining the interstate compact would be in the best interest of the profession and state,
2 giving consideration to workforce shortages and evolving trends in occupation
3 licensure and technology. The review must be noted clearly in the board's agenda and
4 meeting minutes and the board must provide the labor commissioner with a copy of
5 the considered compact and the board's reason for determining that entering the
6 interstate compact was not in the best interests of the profession.

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

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

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

15 10. ~~The department of labor and human rights shall maintain on its website information~~
16 ~~regarding board resources, board member and staff contact information, and a~~
17 ~~message board for members and staff to engage in discussion channels as needed to~~
18 ~~identify trends and best practices for occupational licensure.~~ Unless otherwise provided
19 by law, the governor shall appoint members of a board and may remove members for
20 cause, misconduct, incapacity, or neglect of duty. After expiration of a term, a board
21 member may continue to serve until the governor makes an appointment to fill the
22 position.

23 11. An applicant aggrieved by a licensure delay first shall try to resolve the matter with the
24 board. If the matter cannot be resolved, the applicant may bring the matter to the office
25 of the governor. Each board shall provide information on its website or initial licensure
26 application regarding how to contact the office of the governor if a matter between the
27 applicant and the board cannot be resolved.

28 ~~Alternative pathways to licensure.~~

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

**REPORT OF STANDING COMMITTEE
SB 2395**

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS** ([25.1374.01003](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2395 was placed on the Sixth order on the calendar. This bill affects workforce development.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2395

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2395
3/19/2025

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

9:30 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Workforce development
- Board commonalities
- SB2249 study, boards and commissions
- Baseline operating procedures
- Annual review of Interstate compacts

9:30 a.m. Senator David Hogue, District 38, Minot, ND, introduced, testified and submitted testimony #42939.

9:44 a.m. Nathan Svihovec, Individual Capacity, Bismarck ND, testified in favor and submitted testimony #42895.

10:13 a.m. Mark Hardy, Executive Director, ND Board of Pharmacy, testified in favor and submitted testimony #42849.

10:15 a.m. Sandra DePountis, Executive Director, ND Board of Medicine, testified in favor and submitted testimony #41895.

10:17 a.m. Kyle Martin, Associate Director for Operations, ND Board of Nursing, testified in favor.

10:20 a.m. David Schaibley, Executive Director, North Dakota State Board of Dental Examiners, testified in favor and submitted testimony #41844.

10:24 a.m. Mandy Harlow, Executive Director, ND Board of Accountancy, testified in favor and submitted testimony #42807.

10:26 a.m. Rebecca S. Pilkin, Executive Director, North Dakota Education Standards and Practices Board (NDESPB), testified in favor and submitted testimony #42893.

10:28 a.m. Petra Mandigo Hulm, Secretary-Treasurer, ND State Board of Law Examiners, testified in opposition and submitted testimony #42981.

Additional written testimony:

Stacey Pfenning, Executive Director, ND Board of Nursing, (NDBON), submitted testimony in favor #42406.

Conor Norris, Director of Labor Policy, The Knee Regulatory Research Center, submitted testimony in favor #42317.

10:37 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk



North Dakota State Board of Dental Examiners

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House Industry, Business, and Labor Committee

March 19, 2025; 9:30 am

State Capitol; Room 327C

Testimony of the North Dakota State Board of Dental Examiners

In Support; SB 2375

Chair Warrey and members of the House Industry, Business, and Labor Committee, my name is David Schaibley—Executive Director of the North Dakota State Board of Dental Examiners providing the Board’s testimony in support of SB 2395.

The Board appreciates the countless hours that former Commissioner Svihovec and his staff dedicated to gathering information and listening to stakeholders, and Senator Hogue for using that work as a foundation for this Bill. The result is a Bill that codifies a streamlined approach to licensure in ways designed to increase efficiencies throughout all boards and to more quickly get more applicants into the workforce.

Through legislation, rulemaking, and operations, the Dental Board has largely achieved the goals of this Bill, and we look forward to putting systems in place that would help us meet any of its criteria that we may not yet be achieving.

Thank you for your time. I am happy to address any concerns you might have or answer any questions.

Prepared and Presented by:

David Schaibley

Executive Director of the North Dakota State Board of Dental Examiners

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HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE
MARCH 19, 2025

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
ENGROSSED SENATE BILL NO. 2395

Chair Warrey, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to provide testimony in support of Engrossed Senate Bill 2395.

The Board of Medicine appreciates all the work done by the Department of Labor this last biennium implementing Senate Bill 2249 and reviewing regulatory and licensing boards in the state. The study was thoughtfully done with Board collaboration and input. The Board of Medicine was a part of DOL's Occupational Licensure Advisory Committee (OLAC) and provided information and insight into Board operations as it related to the Board of Medicine.

Senate Bill 2395 is the result of this study and outlines the expectations of all boards to implement consistent standards. The Board of Medicine already implements most of these provisions – licenses are issued within days of a completed application, provisional licenses are issued in between Board meetings, continuing education requirements were addressed during the 2023 legislative session to be less burdensome to licensees, and all our forms and applications are readily accessible online. Universal Licensure makes North Dakota more competitive in recruiting a national workforce so those wishing to come to our state know there is a clear, expedited pathway to obtain licensure – which is balanced against a Board's ability to verify that only qualified and competent practitioners are being licensed.

Thank you for your time and attention and I would be happy to answer any questions.

Mission Statement

The Board's mission is to protect the public's health, safety and welfare by regulating the practice of medicine, thereby ensuring quality health care for the citizens of this state.



North Dakota Should Open the Door to Skilled Workers

Conor Norris

Director of Labor Policy, Knee Regulatory Research Center at West Virginia University

House Industry, Business and Labor Committee

March 17, 2025

Chair Warrey, Vice Chair Johnson, Vice Chair Ostlie, and all distinguished members of the House Industry, Business and Labor Committee:

Thank you for allowing me to testify on licensing reform in the state of North Dakota. I am the director of labor policy at the Knee Regulatory Research Center at West Virginia University. The main takeaways of my comments are the following:

1. North Dakota has a tight labor market, making it difficult for businesses to fill job openings.
2. Research shows that state-level occupational licensing restricts geographic mobility by 7 percent.
3. Recognizing the experience of out-of-state workers is an excellent way to attract workers to the state without putting consumers at risk.

North Dakota is in a strong economic position, and policymakers should be commended for setting the state up for prosperity. North Dakota has a relatively strong labor market: in December, the unemployment rate was well below the national average and the labor force participation was above the national average.¹

Unfortunately, employers in North Dakota are having a hard time finding the workers they need to fill their current job openings. North Dakota has one of the most severe worker shortages in the nation. With 30 available workers for every 100 job openings in the state, the inability of businesses to fill openings is holding back North Dakota.²

We estimate that 22 percent of workers in North Dakota require a license to work, one of the highest in the nation.³ Licensing is the most stringent form of professional regulation. These laws forbid professionals from working until they meet licensing requirements. Education, hands-on

¹ Lindsay Cates and Stephanie Melhorn, *Understanding America's Labor Shortage: The Most Impacted States*. (US Chamber of Commerce. December 13, 2024).

² *Understanding America's Labor Shortage*.

³ Morris M. Kleiner and Evgeny S. Vorotnikov, *At What Cost? State and National Estimates of the Economic Costs of Occupational Licensing* (Arlington, VA: Institute for Justice, 2018).

training, and exams create barriers to entry into a profession. Research estimates that it reduces the supply of professionals by about 25 percent.⁴

Because licensing laws are the responsibility of states, they also create a barrier to entry for those considering a move to another state. Relocating often entails reapplying for a license, taking state-specific exams, and, in some cases, completing additional education or training. Moving is already a hassle, and licensing can make it even worse. Overall, licensed professionals are 7 percent less likely to move to a new state.⁵

It does not only impact licensed professionals. In two-income households, a professional who does not require a license may still decide not to move if their spouse needs to go through a long relicensing process.

Twenty-six other states have passed similar reforms to SB 2395. Arizona, an early adopter of the reform to recognize out-of-state licenses, has already seen beneficial effects from enacting this legislation. An estimated 6,500 or more skilled workers have moved to Arizona since passage of the reform.⁶ States with universal recognition laws not only see increased employment, but they also see increased economic output.⁷

This would allow someone who has demonstrated their competence by working for years to obtain a license without being forced to undergo duplicative education and training.

This bill would also offer an alternative pathway to licensure, allowing experience to count when the applicant is moving from a state that does not license their profession. Ten states accept relevant experience when the applicant is moving from a state without a license requirement. Thus far, we have no reports of issues caused by this reform.

Given the difficulties of finding available workers faced by North Dakota businesses, forcing new residents to complete arbitrary hurdles to begin working is especially costly. Allowing professionals to bring their experience with them increases worker mobility while leaving consumer protections in place. This is no silver bullet to alleviate hiring difficulties, but a commonsense reform to help those looking to move to North Dakota.

Cener Norris

⁴ Peter Blair and Bobby Chung, "How Much of Barrier to Entry is Occupational Licensing?," *British Journal of Industrial Relations* 57, no. 4 (2019): 919–43

⁵ Johnson, Janna E., and Morris M. Kleiner. "Is occupational licensing a barrier to interstate migration?." *American Economic Journal: Economic Policy* 12, no. 3 (2020): 347-373.

⁶ Curry, Heather, and Vance Ginn. "Thousands Free to Work: The Power of Universal Recognition in Arizona." Goldwater Institute Policy Report. (2023).

⁷ Bae, Kihwan, and Edward Timmons. "Now you can take it with you: Effects of occupational credential recognition on labor market outcomes." (2023).



NORTH DAKOTA BOARD OF NURSING

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SB 2395

House Industry, Business, and Labor Committee ND Board of Nursing

Chair Warrey and members of the committee,

Thank you for the opportunity to provide testimony regarding Senate Bill 2395. The North Dakota Board of Nursing (NDBON) supports this legislation as it brings clarity, efficiency, and alignment with best practices in occupational licensure.

Key Points of Support:

1. **Clarification on Exam Administration:**
SB 2395 clearly defines that not all licensing boards administer exams, such as the National Council Licensure Examination (NCLEX) for nurse licensure, which is administered by a third party (Pearson VUE). This distinction ensures that the NDBON is not subject to unnecessary administrative requirements related to examination scheduling.
2. **Alignment with the Nurse Licensure Compact:**
The NDBON is a proud member of the Nurse Licensure Compact (NLC), which spans 43 jurisdictions and was the first state to pass the APRN Compact. The NLC already promotes mobility and efficiency in nursing licensure and SB 2395 complements this framework by reinforcing universal licensure principles. This alignment strengthens North Dakota's commitment in supporting a modern, flexible workforce.
3. **Commitment to Licensing Efficiency:**
While SB 2395 allows up to ten business days for boards to issue routine licenses, the NDBON remains committed to faster processing, often completing applications within one to three business days. Additionally, we offer 90-day temporary licenses, enabling applicants to work in North Dakota while finalizing their applications.

Recent upgrades to our licensing system—already in use across many states studied in SB 2249—have further improved our efficiency. While online applications have been available for years, applicants and licensees now have personalized accounts to track license status, apply or renew, receive notifications, and communicate directly with the board from any device. Recent website

enhancements have also improved accessibility, ensuring a seamless experience for applicants and stakeholders.

4. Collaboration with the North Dakota Department of Labor:

In 2023-2024, the NDBON partnered with the North Dakota Department of Labor to conduct a comprehensive study on boards and board operations. This study, conducted as a result of SB 2249 (passed during the 68th Legislative Assembly), provided valuable insights into best practices, regulatory efficiencies, and the evolving needs of occupational boards. SB 2395 reflects many of the lessons learned from that study, including recommendations for streamlined operations, enhanced reporting, and continuous improvement in licensure processes.

SB 2395 supports NDBON's commitment to regulatory excellence, efficiency, workforce mobility, and public protection.

Dr. Stacey Pfenning DNP APRN FNP FAANP | NDBON Executive Director
919 S 7th St, Suite 504 | Bismarck, ND 58504
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Board of Accountancy

HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE
MARCH 19, 2025

TESTIMONY OF MANDY HARLOW
NORTH DAKOTA BOARD OF ACCOUNTANCY
SENATE BILL 2395

Chairman Warrey and members of the Committee.

My name is Mandy Harlow, and I serve as the executive director for the North Dakota State Board of Accountancy. I am appearing today on behalf of the Board to provide information and testimony in support to Senate Bill 2395, as amended.

The Board of Accountancy opposed this bill as was initially presented to the Senate, as the terminology used in the universal licensure section of the bill did not encompass the Board's unique situation. However, the amendments adopted by the Senate have eased the Board's concerns. Specifically, the term "existing interstate mobility" was added to the universal licensure section of the bill, on page 2, line 17, at the behest of the board of Accountancy. I am here to explain the meaning of this term, and to answer any questions you may have.

The CPA profession does not have an interstate compact, nor is the state part of an executed license transfer or reciprocity agreement on behalf of accountants. But the CPA profession does have "substantially equivalent mobility" through section 43-02.2-04.1 of the North Dakota Century Code, which allows a licensed CPA in good standing to practice outside of his or her state of licensure without obtaining another license. Since

2014, all states, including Puerto Rico and the Virgin Islands, have had substantial equivalency mobility. North Dakota has also offered firm mobility since 2008.

Bill 2395, as amended, allows the Board of Accountancy to continue to provide easy, expedited licensure mobility for CPAs wishing to practice in our state, as it has for years. Thank you for your time and consideration, and I would stand for any questions.



STATE OF NORTH DAKOTA
GOVERNOR KELLY ARMSTRONG

NORTH DAKOTA STATE BOARD OF PHARMACY OFFICE OF THE EXECUTIVE DIRECTOR

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Senate Bill 2395 - Universal Licensure and Board Operations

House Industry, Business and Labor Committee- 327C Room
9:30 A.M.- Wednesday – March 19th, 2025

Chairman Warrey and members of the House Industry, Business and Labor Committee, for the record I am Mark Hardy, PharmD, Executive Director of the North Dakota Board of Pharmacy. I appreciate the opportunity to be here today to voice our support for Senate Bill 2395.

This bill comes to you based on a study completed by the Department of Labor during the interim. This comprehensive study examined licensing boards in the state and provides another study for policymakers to ensure licensing boards are operating efficiently and appropriately. Through the study, we appreciated the open dialogue with the former Labor Commissioner and research assistant. It was very meaningful to discuss the best practices and to help brainstorm solutions based on their research and findings. A primary goal was to ensure applicants from out of state are moving into practice as quickly as possible within the state while ensuring safeguards for the public. We agree with the provisions set forward in this legislation that recognize, in large part, what many boards are currently doing, however, looking to meaningful address areas of best practice identified during the study. This bill would enact a Universal Licensure process for the state of North Dakota similar to other states.

Our Board is especially excited about the provision on page 4, number 9, which provides our Board the opportunity to further help to address needs in the workforce for pharmacists in our state.

I think it is important to highlight to the committee that there has been extensive studies by multiple agencies as well as legislative interim committees in the state looking at licensing boards to examine efficiencies and improvements. Based on these studies and actions, the state of North Dakota should have confidence in the framework of licensing boards in the state. North Dakota's framework leverages the free market and private businesses to drive efficiencies to ensure the state is well positioned to serve the citizens and have efficient and accessible models for Boards with no cost to the general fund. We learned of pitfalls of states that have tried to centralized Boards within a singular agency and the challenges it presents to the workforce and state.

Ultimately, SB2395 is very good legislation, and we are fully supportive. I particularly appreciate the bill sponsor, Majority Leader Hogue, asking and taking our input to ensure this legislation is ready for your considerations. I would be happy to address any questions you may have.



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Testimony Senate Bill 2395
House, Industry, Business and Labor Committee
March 19, 2025
Education Standards and Practices Board

Good morning, Chairman and members of the committee. My name is Rebecca Pitkin, and I am the Executive Director of the Education Standards and Practices Board (ESPB). I am here to present testimony in support of Engrossed Senate Bill 2395. Our Board appreciates the work completed by the Department of Labor this past biennium to closely examine regulatory and licensing board as required by Senate Bill 2249. ESPB, along with several other boards, was part of the DOL's Occupational Licensure Advisory Committee (OLAC) and collaboratively provided information and clarification into ESPB board functions.

The results of this study are outlined in Senate Bill 2395 which summarizes consistent processes and expectations for all boards. The requirements outlined in the bill align with those of ESPB. For example, we issue licenses within days once all materials are received, our applications are electronic on a NDTech platform shared with the Department of Public Instruction (DPI), and continuing education credits can also be accessed electronically. ESPB was honored to participate in the study the past biennium and appreciates the efforts in this bill to promote consistent and reasonable expectations for all boards.

This concludes my testimony, and I stand for any questions.

Rebecca Pitkin, PhD

rpitkin@nd.gov

House Industry, Business and Labor Committee
Chairman Jonathan Warrey
Vice Chairman Jorin Johnson
Vice Chairman Mitch Ostlie
March 19, 2025

S.B. 2395

Testimony of Nathan Svihovec

IN FAVOR

I. Introduction

Chairman Warrey, Vice Chairmen Johnson and Ostlie, and members of the House Industry, Business and Labor Committee, my name is Nathan Svihovec and I am here to present testimony in support of S.B. 2395. For background, I served as the Labor Commissioner with the North Dakota Department of Labor and Human Rights from December 2022 – December 2024. During that time, I conducted a legislative study pursuant to S.B. 2249 (2023) on occupational licensure in North Dakota.

To be clear, I am here in my personal capacity and do not represent the Department or any other entity for the purposes of this hearing. I have, however, cleared my ability to be present today with the Governor's Office, Department of Labor and Human Rights, and my current employer. I've also met with several Assistant Attorneys General to identify any concerns they had prior to my testimony. I intend to share my knowledge of occupational licensure to ensure the committee has the information it needs to make an informed decision.

Thus, to ensure the elected members of the Legislative Assembly have the most meaningful and updated information on this subject, I will be discussing the sections of the bill as well as the corresponding support – based information learned through the study.

II. Legislative Study – S.B. 2249 (2023)

The 68th Legislative Assembly passed S.B. 2249, which required the Department of Labor and Human Rights to study Title 43 boards, the Education Standards and Practices Board, and Board of Law Examiners to analyze the possibility of two areas: (1) Licensing of out-of-state practitioners within three days and (2) Revising continuing education requirements to recognize time in practice and technology advancements.

The study included Q & A sessions, a 53-question Questionnaire to each board, meetings with each board, the establishment of and utilization of an Occupational Licensure Advisory

Committee (OLAC) to help maximize efficiencies and knowledge of board processes, a high-level survey of occupational associations and unions, and a detailed analysis of 26 other states that have passed universal licensure reform. This was certainly the most comprehensive licensure study to date and the Department accomplished this with only \$50,000 in state funds that were spent entirely in-state.

In December 2024, the Department issued a 40-page report detailing the methods, findings, and recommendations pursuant to the information learned during the study. Included with the report are five appendix items: (1) Appendix A – Questionnaire Responses and Data; (2) Appendix B – Questionnaire Completion and Board Meeting Dates; (3) Appendix C – Blank Questionnaire; (4) Appendix D – Other State ULR Laws (Oct. 28, 2024); and (5) Appendix E – Conversation Notes with Other States. S.B. 2395 is supported by the report as well as the many hours of conversations with boards, staff, and other states not detailed in the report.

The boards have been subjected to multiple studies over the past 6-7 years and continue to be subjected to ongoing studies moving forward. When I met with the boards during the Department's study, I indicated there would need to be some compromise from all interested parties to effectively bring resolution to this issue and address the ongoing workforce needs of the state. I believe S.B. 2395 is that compromise and it provides a balanced and sensible solution to the concerns of interested parties.

III. S.B. 2395 Overview

A. Definitions (Pages 2-3)

S.B. 2395 creates a new chapter under Title 43. Page 1 through the top half of Page 2 creates a definitions section. The definitions, in my opinion, are the most underrated and critical components of the bill. These give context and clarity to the operative pieces of the bill.

Subsections 1-2: For the terms "Applicant" and "Application," the key aspects of those definitions are that they mean completed effort on the applicant. During the study, we heard time after time of boards that encountered partially complete or incorrect applications. When the boards would attempt to contact those individuals, it was not uncommon that the individuals would never respond to the boards. Thus, these definitions are intended to mean individuals have completed their end of the process.

Subsection 3: The term “Board” means Title 43 boards or commissions as well as the Education Standards and Practices Board and the Board of Law Examiners.

Subsections 4-5: The phrase “Effective interstate compact” means that being a member of an interstate compact alone is not sufficient; the compact must have had the minimum number of states necessary for it to become operative. The purpose is that the benefit to ND from a board being a member of an interstate compact is that the borders/barriers are effectively removed; so, for a board to be exempt from certain requirements, it must actually have an operating interstate compact and not just waiting for other states to pass the same compact.

Subsections 6-7: The terms “License” and “Occupations or profession” clarify the scope of this bill applies to occupational licensure only.

Subsection 8: The phrase “Out-of-state licensee” is intentionally broadly defined to encompass the varying levels of government that may license an individual. We learned in the study that several states license some professions at the local level rather than through a state board. However, we also learned that each jurisdiction has varying levels of abilities for which an individual is licensed, which is not equivalent to the level ND licenses that profession. Thus, the definition was crafted to broadly apply jurisdictionally but narrowly apply to similarly licensed individuals.

Subsection 9: The phrase “Routine application” is defined to mean an application where it’s clear upon a board’s staff’s review that the applicant meets the requirements for licensure and there are no pending or past disciplinary actions for which the board’s expertise is necessary to determine whether the individual should be licensed in ND.

B. Universal Licensure (pages 2-3)

The first key operative language is the opening line, that the conditions that follow in subsections 1-7 are not required if a board is part of an effective interstate compact, executed license transfer, existing interstate mobility, or reciprocity agreement with another state. In other words, this opening line recognizes that those forms of license portability remove barriers and allow individuals licensed in those states to seamlessly obtain licensure in North Dakota. Part of the rationale for this piece is that many of our boards utilize national systems that operate like a universal licensure hub where standards are equivalent, and

license verification is simplified. In addition, this provision encourages boards to seek and implement portability mechanisms or to begin the process of creating one if it does not exist.

If a board is not a member of one of the portability mechanisms, they must issue a license to an out-of-state licensee after application once the conditions in subsections 1-7 have been met. Those conditions are:

1. Active use of license in 2 of the 3 preceding years;
2. Competency and education in occupation;
3. Has not committed an act that would be grounds for refusal, suspension, or revocation;
4. Has not been disciplined by a board in the previous ten years;
5. Is not currently under investigation by a licensing authority;
6. If applicable, submits to a criminal history background check; and
7. Pay fees.

These requirements provide the minimum threshold for qualifying for a license by our boards while still ensuring public safety is not jeopardized. Based on the review of the 26 other states that have passed a version of universal licensure, these minimum standards – and often additional requirements – are in effect in every state. To be clear, boards may still license individuals that may have a disciplinary past, but the timeline is not triggered for those applications.

C. Board Operations (pages 3-4)

The Board Operations section of the bill creates minimum standards, necessary authorizations, and limited reporting for our boards. A common theme for several boards during the study was a lack of technology, staff authority, and availability of interstate compacts. Additionally, boards are not held to any period in which to issue licenses, which often creates situations where an applicant is waiting several weeks – sometimes months – to receive a license.

Subsection 1: Requires boards to issue a license within ten business days to an applicant who submits a complete, unencumbered, routine application. The timeframe specifically carves out boards in an effective interstate compact but requires that they issue licenses in a timely manner.

Subsection 2: Authorizes boards to grant provisional/temporary licenses between board meetings and ensures any existing limitations on such ability to delegate authority are superseded by the authority in this bill.

Subsection 3: Requires boards to provide application forms electronically. The study determined that at least 20 boards need and would utilize modernized licensing software. However, given the cost of such an implementation, it was determined to revisit that solution at a future legislative session. This addresses the small number of boards who do not provide any option to obtain the application electronically.

Subsection 4: Many boards require North Dakota-specific jurisprudence exams to obtain a license. During the study, the boards felt it imperative that an applicant demonstrate comprehension of the nuances specific to North Dakota laws that often differ from other states. The bill recognizes this need but requires boards to offer the examination at least once per month.

Subsection 5: During the study it was impossible to reconcile the data provided by boards on licensing timeframes. Boards utilize different definitions of when certain dates are met and, in many cases, do not have any of the requested data readily available. Thus, to give the 70th Legislative Assembly an accurate assessment of whether boards are meeting the requirements of this bill, subsection 5 implements two annual reports over the next two years. The data points sought are: (1) number of licenses granted, (2) number of licenses denied, (3) number of licenses not issued within ten business days; and (4) reason for the delay for licenses issued after the ten business days.

Subsection 6: During the study, several boards indicated they had reviewed interstate compacts and decided to not seek to join an existing compact. Additionally, many of our professions have no existing compacts in which to even consider joining. To provide ongoing information that will be available to the Labor Department, Governor's Office, and Legislature, this subsection of the bill requires boards that are not currently members of an effective interstate compact to annually review available compacts to determine whether joining the compact would be in the best interest of the profession and state. It requires boards to give consideration to workforce shortages and evolving trends in licensure and technology. It also requires boards to provide the labor commissioner with a copy of the considered compact and the board's reason for its determination that joining the compact was not in the best interest of the state.

Subsection 7: Simply authorizes boards to contract administrative services out as needed.

Subsection 8: Boards overwhelmingly refuted any reduction in continuing education hours during the study. The rationale generally involved ensuring competency and safety as technology and methodologies evolve – in fact, they evolve more rapidly today than ever before given the technological world we live in. However, given the available technology, the compromise on continuing education was that boards must allow all continuing education to be completed remotely/virtually. One of the primary examples of continuing education being included in the study was that professionals spend time away from their practice attending continuing education and often at high costs. This requirement attempts to resolve some of those concerns by providing licensees with options to complete continuing education hours without having to leave town.

Subsection 9: This subsection was requested by some of the board executive directors, but my understanding is that it allows boards the authority to assist an individual attempting to get licensed by providing necessary education or training if their license is not substantially equivalent.

Subsection 10: Under the amended language, this section gives the Governor the authority to appoint and remove members of a board for cause, misconduct, incapacity, or neglect of duty. It also allows a board member to continue serving in his or her position until the Governor makes an appointment to fill the position.

Subsection 11: This subsection provides an applicant with an order of grievance resolution by first attempting to resolve issues through the board then to the Governor's Office. It further requires boards to provide contact information for the governor's office on their websites of application forms.

IV. Conclusion

Chairman Warrey, Vice Chairmen Johnson and Ostlie, and members of the House Industry, Business and Labor Committee, the study was enlightening and provided much needed context to this topic. I learned much about the high caliber professionals we have making up the boards – especially their staff. S.B. 2395 is a necessary step in resolving the occupational licensure workforce challenges to North Dakota. It requires faster licensure while

maintaining board autonomy and it standardizes the processes by which our boards license individuals. It accomplishes those goals all while ensuring public safety is not jeopardized. Thank you for your service to our state and for your consideration of this bill.

1 **TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2395**

2 **HOUSE INDUSTRY, BUSINESS & LABOR COMMITTEE**

3 **ROOM JW 327C; 9:30 AM**

4 **March 19, 2025**

5
6 Good morning Chairman Warrey and members of the House Industry, Business,
7 and Labor Committee. My name is David Hogue. I am a North Dakota state senator
8 representing District 38, which includes northwest Minot and the city of Burlington. I
9 appear before your committee to seek support for Senate Bill 2395.

10 SB 2395 is the progression of a bill your committee approved last session, SB
11 2249 (68th legislative assembly). Recall last session that we approved SB 2249 to
12 direct the ND Labor Commissioner to conduct a review of all of the North Dakota's
13 licensing boards and assess whether there were practices that unreasonably delayed or
14 hindered the licensure of qualified professionals to practice their chosen vocation in the
15 state of North Dakota. Then Commissioner Nathan Svihovec conducted the study and I
16 have brought a copy of his study with me.

17 From Commissioner's Svihovec's study we crafted SB 2395. SB 2395 is aimed
18 at improvement of our work force. It improves the workforce by ensuring that all of our
19 licensing boards our brought up to a baseline of processing licensee applications in a
20 manner that serves the applicant, the licensing board, and the state of North Dakota.

21 If you review the written testimony from other witnesses you will observe that SB
22 2395 has broad and overwhelming support from the larger licensing boards, including

1 the board of nursing, the board of pharmacy, the board of medical examiners, and the
2 board of accountants. I think part of the reason for such broad support is that these
3 licensing boards are already implementing many of the practices that SB 2395
4 suggests. As of my review last evening, there was no opposition testimony to SB 2395
5 after it crossed over to the House. The North Dakota Board of Accountancy which
6 previously opposed the bill now supports it.

7 After the definitions section, SB 2395 outlines the relevant provisions for issuing
8 a professional license to an applicant. These are the criteria that most licensing boards
9 adhere to.

10 The next section, entitled "Board operations" sets down a standard that a license
11 should be issued in 10 business days to those applicants who submits a clean
12 application. The operations section contains several other requirements that I would
13 invite former Commissioner Svihovec to explain in greater detail.

14 Mr. Chairman, I would be happy to try to answer any questions, but our former
15 labor commissioner, Nathan Svihovec, is the expert.

16 Chairman Warrey and committee members, I urge a do pass recommendation on
17 SB 2395.

House Industry, Business and Labor
March 19, 2025

Testimony of the State Board of Law Examiners
SENATE BILL NO. 2395

Chair Warrey and members of the Committee, I am Petra Mandigo Hulm, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2395. I am Secretary-Treasurer of the Board.

The State Board of Law Examiners opposes the bill as amended. The board appreciates the amendments made by Senator Hogue in the Senate to allow the Board to continue to do its full character and fitness evaluation. However, the Board opposes its inclusion in this bill. The Board believes licensure of attorneys should continue to be regulated by the Supreme Court.

I have attached proposed amendments to remove the Board of Law Examiners.

The admission of attorneys lies with the Supreme Court under the North Dakota Constitution Article VI, Section 3. The State Board of Law Examiners is not an executive branch Board under Title 43. The members are appointed by the Supreme Court, and it is the Supreme Court that admits attorneys to the bar pursuant to the Board's recommendation. As was recognized when the constitution was enacted, the practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people.

The Board believes this important work should be done, as it always has been, by the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch or the Executive Branch. The Supreme Court should retain its role promulgating the rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law, as provided for in the North Dakota Constitution.

There has been no convincing reason provided to now, after more than 100 years, enact legislation regulating attorney admission rather than adhere to the thorough and effective process developed by the Supreme Court. A comment was made in the Senate committee that maybe it is time for the legislature to get involved. Why and why in this way? The Board has shown in two studies that it operates timely and effectively. The bar association responded that it is happy with the Board's performance. There is no problem to rectify here. There is no reason for legislation and it creates confusion and conflict with pending rules.

The proposed bill addresses admission based on years of practice. However, there are a number of other ways an out-of-state attorney can be admitted. The admission to practice rules address these. Having a small set of currently conflicting statutes in addition to the rules will cause confusion. The Supreme Court has a process to amend rules and that process could be used to propose changes. To date, the Court has been responsive addressing concerns, and there is no indication it would not continue to be.

We understand this bill has a workforce development goal. The Supreme Court, the State Board of Law Examiners and the State Bar Association have undertaken significant efforts to attract out of state attorneys to come to North Dakota. The Supreme Court recently amended its rules to extend the time a bar examination score can be transferred and to reduce the number of continuing education hours required for licensure. The Court also developed the Rural Attorney Recruitment Program. Finally, the Court has a task force evaluating alternatives to providing legal services to the public. It requested funding to develop allied legal professionals who would be allowed to offer limited legal assistance to the public without a license to practice law. Your concerns have been heard and the Board and the Court have acted on them. Allow the Supreme Court to continue doing its good work.

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2395
3/26/2025

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

9:33 p. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schauer, Vollmer

Members Absent: Representative Schatz

Discussion Topics:

- Provisional licenses
- License issuance
- Criteria guardrails
- Competency test

9:33 p.m. Representative Grindberg discussed constituent correspondence and concerns with the committee.

9:50 a.m. Representative Schauer moved Do Pass.

9:50 a.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Timothy Brown	Y
Representative Lisa Finley-DeVille	AB
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	AB
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 12-0-2.

House Industry, Business and Labor Committee

SB 2395

03/26/25

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9:51 a.m. Representative Vollmer will carry the bill.

9:51 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2395 ([25.1374.02000](#))**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2395 was placed on the Fourteenth order on the calendar.