

1 ENGROSSED SENATE
2 BILL NO. 1891

By: Pugh, Bergstrom and Allen
of the Senate

3 and

4 Wallace of the House

5
6 An Act relating to occupations and professions;
7 creating the Universal Occupational License
8 Recognition Act; providing short title; providing for
9 recognition of certain occupational licenses and
10 certifications for certain persons; providing
11 criteria for issuing certain licenses; recognizing
12 disqualifying criminal history for certain licensure
13 or certifications; allowing state-to-state reciprocal
14 agreements; prohibiting licensure under certain
15 conditions; permitting examination for licensure;
16 requiring Oklahoma licensing laws and jurisdiction to
17 apply to reciprocal licenses; excepting certain
18 provisions for reciprocal licensure; stating
19 fingerprint clearance and interstate compact
20 requirements; defining term; recognizing certain out-
21 of-state work experience for certain purpose;
22 recognizing certain private certification for certain
23 purpose; requiring periodic review of all licenses by
24 regulating entity; stating minimum review period;
stating criteria for review; providing for
codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 4150 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Universal
24 Occupational License Recognition Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4150.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Notwithstanding any other law, an occupational license or
5 certificate shall be issued, in the discipline applied for and at
6 the same practice level as determined by the regulating entity,
7 pursuant to this act to a person who offers proof of physical
8 residency in this state or is married to an active duty member of
9 the armed forces of the United States and who is accompanying such
10 member to an official permanent change of station to a military
11 installation located in this state if all of the following apply:

12 1. The person is currently licensed or certified in at least
13 one other state in the discipline applied for and at the same
14 practice level as determined by the regulating entity and the
15 license or certification is in good standing in all states in which
16 the person holds a license or certification;

17 2. The person has been licensed or certified by another state
18 for at least one (1) year;

19 3. When the person was licensed or certified by another state
20 there were minimum education requirements and, if applicable, work
21 experience and clinical supervision requirements in effect and the
22 other state verifies that the person met those requirements in order
23 to be licensed or certified in that state;

1 4. The person previously passed an examination required for the
2 license or certification if required by the other state;

3 5. The person has not had a license or certificate revoked and
4 has not voluntarily surrendered a license or certificate in any
5 other state or country while under investigation for unprofessional
6 conduct;

7 6. The person has not had discipline imposed by any other
8 regulating entity. If another jurisdiction has taken disciplinary
9 action against the person, the regulating entity shall determine if
10 the cause for the action was corrected and the matter resolved. If
11 the matter has not been resolved by that jurisdiction, the
12 regulating entity may not issue or deny a license until the matter
13 is resolved;

14 7. The person does not have a complaint, allegation or
15 investigation pending before another regulating entity in another
16 state or country that relates to unprofessional conduct. If an
17 applicant has any complaints, allegations or investigations pending,
18 the regulating entity in this state shall suspend the application
19 process and may not issue or deny a license to the applicant until
20 the complaint, allegation or investigation is resolved;

21 8. The person pays all applicable fees, not exceeding the cost
22 of current in-state licensure fees; and

23 9. The person does not have a disqualifying criminal history as
24 determined by the regulating entity and current state law.

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

10 C. A regulating entity that administers an examination on laws
11 of this state as part of its license or certificate application
12 requirement may require an applicant to take and pass an examination
13 on the laws of this state.

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

17 E. This section does not apply to:

- 18 1. Requirements for a fingerprint clearance card; and
 - 19 2. Criteria for a license, permit or certificate of eligibility
- 20 that is established by an interstate compact.

21 F. For purposes of this act, the term "proof of physical
22 residency" means the presentation of two separate forms of
23 documentation showing the person has established and maintains a
24 physical dwelling place or legal residency within this state. The

1 documentation may be issued by the state, a political subdivision or
2 an agency of this state or governmental entity in the form of a
3 utility service statement, tax return or statement, state or
4 military identification card, driver license, active military orders
5 or a private document such as a residential lease agreement or real
6 estate document, or other documents acceptable to the regulating
7 entity; provided, each document must bear the same person's name and
8 physical address on its face.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4150.2 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 Recognition of out-of-state work experience.

13 Notwithstanding any other law, the regulating entity shall issue
14 an occupational license or government certification to a person upon
15 application based on work experience in another state, provided the
16 person offers proof of physical residency in this state, if all the
17 following apply:

18 1. The person worked in a state that does not use an
19 occupational license or government certification to regulate a
20 lawful occupation, but this state uses an occupational license or
21 government certification to regulate a lawful occupation with a
22 similar scope of practice, as determined by the regulating entity;

23 2. The person worked for at least one (1) year in the lawful
24 occupation; and

1 3. The person satisfies paragraphs 6 through 9 of subsection A
2 of Section 2 of this act.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4150.3 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 Recognition of private certification in other states.

7 Notwithstanding any other law, the regulating entity shall issue
8 an occupational license or government certification to a person upon
9 application based on holding a private certification and work
10 experience in another state, provided the person offers proof of
11 physical residency in this state, if all the following apply:

12 1. The person holds a private certification and worked in a
13 state that does not use an occupational license or government
14 certification to regulate a lawful occupation, but this state uses
15 an occupational license or government certification to regulate a
16 lawful occupation with a similar scope of practice, as determined by
17 the regulating entity;

18 2. The person worked at least one (1) year in the lawful
19 occupation;

20 3. The person holds a current and valid private certification
21 in the lawful occupation;

22 4. The private certification organization recognizes the person
23 to be in good standing; and
24

1 5. The person satisfies paragraphs 6 through 9 of subsection A
2 of Section 2 of this act.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4150.4 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 All state occupational or professional licenses shall be
7 reviewed not less than once every four (4) years to determine if the
8 license is necessary and if necessary, uses the least restrictive
9 regulation to protect consumers from present, significant and
10 substantiated harms that threaten public health and safety. Review
11 of occupational or professional licenses shall be conducted by the
12 regulating entity and shall answer the following questions:

13 1. Is there a compelling public interest that needs to be
14 protected;

15 2. Is the least restrictive means that would sufficiently
16 protect the public interest being used;

17 3. If occupational licensing is used, does the regulating
18 entity in charge of such licensure have a controlling number of
19 regulating entity members as market participants; and

20 4. Is there active supervision of the regulating entity's
21 actions by the state.

22 SECTION 6. This act shall become effective November 1, 2020.
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1 Passed the Senate the 11th day of March, 2020.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives