

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. SB1891, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Pugh

Pugh-NP-FS-Req#4025
3/10/2020 10:14 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1891

By: Pugh, Bergstrom and Allen
of the Senate

and

Wallace of the House

FLOOR SUBSTITUTE

[occupations and professions - Universal
Occupational License Recognition Act - state-to-
state reciprocal agreements - codification -
effective date]

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

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

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

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

A. Notwithstanding any other law, an occupational license or
certificate shall be issued, in the discipline applied for and at

1 the same practice level as determined by the regulating entity,
2 pursuant to this act to a person who offers proof of physical
3 residency in this state or is married to an active duty member of
4 the armed forces of the United States and who is accompanying such
5 member to an official permanent change of station to a military
6 installation located in this state if all of the following apply:

7 1. The person is currently licensed or certified in at least
8 one other state in the discipline applied for and at the same
9 practice level as determined by the regulating entity and the
10 license or certification is in good standing in all states in which
11 the person holds a license or certification;

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

14 3. When the person was licensed or certified by another state
15 there were minimum education requirements and, if applicable, work
16 experience and clinical supervision requirements in effect and the
17 other state verifies that the person met those requirements in order
18 to be licensed or certified in that state;

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

21 5. The person has not had a license or certificate revoked and
22 has not voluntarily surrendered a license or certificate in any
23 other state or country while under investigation for unprofessional
24 conduct;

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

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

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

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

19 B. This section does not prevent a regulating entity under this
20 act from entering into a reciprocity agreement with another state or
21 jurisdiction for persons married to active duty members of the armed
22 forces of the United States, except that the agreement may not allow
23 out-of-state licensees or certificate holders to obtain a license or
24 certificate by reciprocity in this state if the applicant has not

1 met standards that are substantially equivalent to or greater than
2 the standards required in this state as determined by the regulating
3 entity on a case-by-case basis.

4 C. A regulating entity that administers an examination on laws
5 of this state as part of its license or certificate application
6 requirement may require an applicant to take and pass an examination
7 on the laws of this state.

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

11 E. This section does not apply to:

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

15 F. For purposes of this act, the term "proof of physical
16 residency" means the presentation of two separate forms of
17 documentation showing the person has established and maintains a
18 physical dwelling place or legal residency within this state. The
19 documentation may be issued by the state, a political subdivision or
20 an agency of this state or governmental entity in the form of a
21 utility service statement, tax return or statement, state or
22 military identification card, driver license, active military orders
23 or a private document such as a residential lease agreement or real
24 estate document, or other documents acceptable to the regulating

entity; provided, each document must bear the same person's name and physical address on its face.

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

Recognition of out-of-state work experience.

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

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

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

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

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

Recognition of private certification in other states.

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

6 1. The person holds a private certification and worked in a
7 state that does not use an occupational license or government
8 certification to regulate a lawful occupation, but this state uses
9 an occupational license or government certification to regulate a
10 lawful occupation with a similar scope of practice, as determined by
11 the regulating entity;

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

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

16 4. The private certification organization recognizes the person
17 to be in good standing; and

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

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

23 All state occupational or professional licenses shall be
24 reviewed not less than once every four (4) years to determine if the

1 license is necessary and if necessary, uses the least restrictive
2 regulation to protect consumers from present, significant and
3 substantiated harms that threaten public health and safety. Review
4 of occupational or professional licenses shall be conducted by the
5 regulating entity and shall answer the following questions:

6 1. Is there a compelling public interest that needs to be
7 protected;

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

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

13 4. Is there active supervision of the regulating entity's
14 actions by the state.

15 SECTION 6. This act shall become effective November 1, 2020.

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