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February 26, 2020

AS AMENDED

SENATE BILL NO. 1891

By: Pugh and Bergstrom

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[ occupations and professions - Universal
Occupational Licensing Recognition Act - state-to-
state reciprocal agreements - codification -
effective date ]
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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 the same practice level as determined by the regulating entity, pursuant to this act to a person who establishes residency in this state or is married to an active duty member of the armed forces of the United States and who is accompanying the member to an official

1 permanent change of station to a military installation located in
2 this state if all of the following apply:

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

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

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

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

17 5. The person has not had a license or certificate revoked and
18 has not voluntarily surrendered a license or certificate in any
19 other state or country while under investigation for unprofessional
20 conduct;

21 6. The person has not had discipline imposed by any other
22 regulating entity. If another jurisdiction has taken disciplinary
23 action against the person, the regulating entity shall determine if
24 the cause for the action was corrected and the matter resolved. If

1 the matter has not been resolved by that jurisdiction, the
2 regulating entity may not issue or deny a license until the matter
3 is resolved;

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

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

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

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

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

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

8 E. This section does not apply to:

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

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

15 Recognition of out-of-state work experience.

16 Notwithstanding any other law, the regulating entity shall issue
17 an occupational license or government certification to a person upon
18 application based on work experience in another state, if all the
19 following apply:

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

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

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

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

8 Recognition of private certification in other states.

9 Notwithstanding any other law, the regulating entity shall issue
10 an occupational license or government certification to a person
11 based on holding a private certification and work experience in
12 another state, if all the following apply:

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

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

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

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

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 answer the following
12 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.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 26, 2020 - DO PASS AS AMENDED