

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1891

By: Pugh

AS INTRODUCED

An Act relating to occupations and professions; creating the Universal Occupational Licensing Recognition Act; providing short title; providing for recognition of certain occupational licenses and certifications for certain persons; providing criteria for issuing certain licenses; recognizing disqualifying criminal history for certain licensure or certifications; allowing state-to-state reciprocal agreements; prohibiting licensure under certain conditions; permitting examination for licensure; requiring Oklahoma licensing laws and jurisdiction to apply to reciprocal licenses; excepting certain provisions for reciprocal licensure; stating fingerprint clearance and interstate compact requirements; recognizing certain out-of-state work experience for certain purpose; recognizing certain private certification for certain purpose; requiring periodic review of all licenses; stating minimum review period; stating criteria for review; providing for codification; and providing an 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 E. This section does not apply to:

- 20 1. Requirements for a fingerprint clearance card; and
21 2. Criteria for a license, permit or certificate of eligibility
22 that is established by an interstate compact.
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1 SECTION 3. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 4150.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 Recognition of out-of-state work experience.

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

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

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

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

18 SECTION 4. NEW LAW A new section of law to be codified

19 in the Oklahoma Statutes as Section 4150.3 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 Recognition of private certification in other states.

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

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

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

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

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

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

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

20 All state occupational or professional licenses shall be
21 reviewed not less than once every four (4) years to determine if the
22 license is necessary and if necessary, uses the least restrictive
23 regulation to protect consumers from present, significant and
24 substantiated harms that threaten public health and safety. Review

1 of occupational or professional licenses shall answer the following
2 questions:

3 1. Is there a compelling public interest that needs to be
4 protected;

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

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

10 4. Is there active supervision of the regulating entity's
11 actions by the state.

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

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