

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1981

6 By: Lepak

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;  
9 creating the Universal State and Military Equivalence  
10 Licensing Recognition Act; providing for issuance of  
11 licenses for certain applicants; defining term;  
12 providing for qualifications for reciprocity;  
13 allowing regulating entities to enter into certain  
14 agreements; subjecting licensed individuals to  
15 certain jurisdiction; stating validity of licensure;  
16 prohibiting licensure reciprocity unless authorized  
17 by regulating entity; providing exceptions to  
18 licensing qualifications; providing for residency  
19 requirements; providing for issuance of license under  
20 certain circumstances; disallowing licensure unless  
21 certain standards are met; providing for construing  
22 of act; establishing procedures for review of  
23 licenses; providing for reporting requirements;  
24 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:

This act shall be known and may be cited as the "Universal State  
and Military Equivalence Licensing 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. There is hereby created professional and occupational  
5 licensing recognition for the issuance of licenses for applicants  
6 moving to and residing in Oklahoma. Unless otherwise provided by  
7 law, this act shall not apply to any laws authorizing reciprocity  
8 including interstate compacts, state-to-state reciprocal agreements  
9 and other state-to-state equivalency provisions pertaining to  
10 licensees and certificate holders and applicants from other states.  
11 For purposes of this act, "Oklahoma regulatory entity" means any  
12 administrative body or official with authority over any occupational  
13 or professional license or certification in this state.

14           B. A person moving to and residing in Oklahoma may make  
15 application for licensing or certification pursuant to the Universal  
16 State and Military Equivalence Licensing Recognition Act separate  
17 from, apart from, and in addition to any interstate compact or  
18 state-to-state reciprocity or equivalency agreements as determined  
19 by the Oklahoma regulatory entity. When an applicant holding an  
20 out-of-state license or certification seeks a license or  
21 certification for an occupation with a similar scope of practice as  
22 determined by the Oklahoma regulatory entity pursuant to this act  
23 and such applicant establishes verifiable proof of physical  
24 residency in this state or is married to and accompanying an active

1 duty member of the Armed Forces of the United States to an official  
2 permanent change of station to a military installation located in  
3 this state and such spouse is not making application pursuant to the  
4 Military Service Occupation, Education and Credentialing Act, all of  
5 the following shall apply:

6 1. The out-of-state applicant is a person who:

7 a. is currently licensed or certified by another state to  
8 work in an occupation with a similar scope of practice  
9 through satisfying licensure or certification  
10 standards of examination, minimum education  
11 requirements and, if applicable, professional work  
12 experience, education training and clinical  
13 supervision requirements and the other state verifies  
14 that the person met these requirements in order to be  
15 licensed or certified in that state, the out-of-state  
16 state license or certification is and has been  
17 maintained in good standing in all states in which the  
18 person holds a license or certification for at least  
19 one (1) year before making application to Oklahoma  
20 under this act, or

21 b. is moving to Oklahoma and seeking licensure or  
22 certification in Oklahoma from a state that does not  
23 have statewide licensing or certification for an  
24 occupation with a similar scope of practice as

1           determined by the Oklahoma regulatory entity, and  
2           demonstrates verifiable proof of one (1) year of  
3           experience working in the occupation of that state;

4           2. The Oklahoma regulatory entity shall apply all similar and  
5 verifiable professional work experience, in the manner most  
6 favorable that facilitates recognition among states for licensing  
7 for an occupation with a similar scope of practice as determined by  
8 the Oklahoma regulating entity;

9           3. The person demonstrates a successful passage of examination  
10 from another state, and if necessary to protect public health or  
11 safety, passes an examination on any laws unique or specific to the  
12 occupational practice in this state as determined by the Oklahoma  
13 regulatory entity;

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

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

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

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

17       8. If state law other than this act requires a review of  
18 disqualifying criminal history records for a certain license or  
19 certification, the person shall demonstrate verifiable proof  
20 pursuant to the laws of Oklahoma there is no disqualifying criminal  
21 history, pursuant to the criminal justice reform provisions limiting  
22 criminal history prohibitions at Section 4000.1 of Title 59 of the  
23 Oklahoma Statutes, and as determined by the Oklahoma regulatory  
24 entity.

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

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

8 E. A statewide professional or occupational license or  
9 certificate issued pursuant to this act is valid only in Oklahoma.  
10 It shall not make the person obtaining licensure or certification  
11 pursuant to this act eligible to work in another state under an  
12 interstate compact or state-to-state reciprocity agreement.

13 F. This act shall not apply to:

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

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

- 22 1. Current Oklahoma residential utility bill;  
23 2. Documentation of filing a tax return with the Oklahoma Tax  
24 Commission as a resident of Oklahoma;

1 3. Documentation of current ownership, or current lease for a  
2 term of at least twelve (12) months, of a primary place of residence  
3 in Oklahoma;

4 4. Documentation of current in-state employment or notarized  
5 letter of promise of employment of the applicant or his or her  
6 spouse; or

7 5. Any other verifiable documentation demonstrating Oklahoma  
8 residency as determined by the Oklahoma regulating entity.

9 H. When an applicant for a license has satisfied the  
10 requirements for a license pursuant to this section, the Oklahoma  
11 regulatory entity shall issue an appropriate license or  
12 certification within thirty (30) days.

13 I. This act shall be applied in a manner that increases  
14 recognition of licensure and certification among states without any  
15 right of an applicant to become licensed or certified in Oklahoma.

16 J. For purposes of this act, an out-of-state license includes a  
17 military occupational specialty obtained by an individual in any  
18 branch of the United States Armed Forces.

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

22 All state occupational and professional licenses shall be  
23 reviewed not less than once every four (4) years pursuant to the  
24 provisions of the Occupational Licensing Review Act to determine if

1 the license is necessary and, if necessary, use the least  
2 restrictive regulation to protect consumers from present,  
3 significant and substantiated harms that threaten public health and  
4 safety. The Occupational Licensing Advisory Commission shall review  
5 said licenses and ask the following questions:

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

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

10 3. If occupational or professional licensing is used, does the  
11 regulating entity in charge of such licensure have a controlling  
12 number of 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 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 4150.3 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Oklahoma regulatory entities shall report to the Oklahoma  
19 Department of Labor the following data regarding applications for  
20 licensure under the Universal State and Military Equivalency  
21 Licensing Recognition Act:

22 1. The number of applicants for a license;

23 2. The number of licenses issued;

24



1           3. The number of licenses denied pending completion of state  
2 licensing requirements;

3           4. The incomplete licensing requirements resulting in the  
4 denial;

5           5. The length of time between each applicant's submission of an  
6 application and the regulatory entity's decision to issue or deny a  
7 license pending completion of licensing requirements;

8           6. Whether a license was granted to the applicant upon  
9 completion of requirements enumerated under applicable regulations  
10 or statutes; and

11          7. Other data the Department determines relevant.

12          B. On or before September 1, 2022, the Oklahoma Department of  
13 Labor shall compile and publish annually a report of the data in  
14 paragraphs 1 through 5 of subsection A of this section on a  
15 searchable public website.

16          C. Beginning September 1, 2022, the Occupational Licensing  
17 Advisory Commission shall annually review the report issued under  
18 this section and evaluate the effectiveness and sufficiency of the  
19 Universal State and Military Equivalence Licensing Recognition Act  
20 to ensure that qualified applicants for licensure promptly obtain  
21 licenses and report the Commission's findings and any  
22 recommendations regarding the act.

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1 SECTION 5. This act shall become effective November 1, 2021.

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