

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1981

By: Lepak

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 creating the Universal State and Military Equivalence
11 Licensing Recognition Act; providing for issuance of
12 licenses for certain applicants; defining term;
13 providing for qualifications for reciprocity;
14 allowing regulating entities to enter into certain
15 agreements; subjecting licensed individuals to
16 certain jurisdiction; stating validity of licensure;
17 prohibiting licensure reciprocity unless authorized
18 by regulating entity; providing exceptions to
19 licensing qualifications; providing for residency
20 requirements; providing for issuance of license under
21 certain circumstances; disallowing licensure unless
22 certain standards are met; providing for construing
23 of act; establishing procedures for review of
24 licenses; providing for reporting requirements;
 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 State
2 and Military Equivalence Licensing 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. There is hereby created professional and occupational
7 licensing recognition for the issuance of licenses for applicants
8 moving to and residing in Oklahoma. Unless otherwise provided by
9 law, this act shall not apply to any laws authorizing reciprocity
10 including interstate compacts, state-to-state reciprocal agreements
11 and other state-to-state equivalency provisions pertaining to
12 licensees and certificate holders and applicants from other states.
13 For purposes of this act, "Oklahoma regulatory entity" means any
14 administrative body or official with authority over any occupational
15 or professional license or certification in this state.

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

1 and such applicant establishes verifiable proof of physical
2 residency in this state or is married to and accompanying an active
3 duty member of the Armed Forces of the United States to an official
4 permanent change of station to a military installation located in
5 this state and such spouse is not making application pursuant to the
6 Military Service Occupation, Education and Credentialing Act, all of
7 the following shall apply:

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

- 9 a. is currently licensed or certified by another state to
10 work in an occupation with a similar scope of practice
11 through satisfying licensure or certification
12 standards of examination, minimum education
13 requirements and, if applicable, professional work
14 experience, education training and clinical
15 supervision requirements and the other state verifies
16 that the person met these requirements in order to be
17 licensed or certified in that state, the out-of-state
18 state license or certification is and has been
19 maintained in good standing in all states in which the
20 person holds a license or certification for at least
21 one (1) year before making application to Oklahoma
22 under this act, or
- 23 b. is moving to Oklahoma and seeking licensure or
24 certification in Oklahoma from a state that does not

1 have statewide licensing or certification for an
2 occupation with a similar scope of practice as
3 determined by the Oklahoma regulatory entity, and
4 demonstrates verifiable proof of one (1) year of
5 experience working in the occupation of that state;

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

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

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

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

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

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

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

1 Oklahoma Statutes, and as determined by the Oklahoma regulatory
2 entity.

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

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

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

15 F. This act shall not apply to:

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

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

- 24 1. Current Oklahoma residential utility bill;

1 2. Documentation of filing a tax return with the Oklahoma Tax
2 Commission as a resident of Oklahoma;

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

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

9 5. Any other verifiable documentation demonstrating Oklahoma
10 residency as determined by the Oklahoma regulating entity.

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

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

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

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

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1 All state occupational and professional licenses shall be
2 reviewed not less than once every four (4) years pursuant to the
3 provisions of the Occupational Licensing Review Act to determine if
4 the license is necessary and, if necessary, use the least
5 restrictive regulation to protect consumers from present,
6 significant and substantiated harms that threaten public health and
7 safety. The Occupational Licensing Advisory Commission shall review
8 said licenses and ask the following questions:

9 1. Is there a compelling public interest that needs to be
10 protected;

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

13 3. If occupational or professional licensing is used, does the
14 regulating entity in charge of such licensure have a controlling
15 number of regulating entity members as market participants; and

16 4. Is there active supervision of the regulating entity's
17 actions by the state.

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

- 1 1. The number of applicants for a license;
 - 2 2. The number of licenses issued;
 - 3 3. The number of licenses denied pending completion of state
 - 4 licensing requirements;
 - 5 4. The incomplete licensing requirements resulting in the
 - 6 denial;
 - 7 5. The length of time between each applicant's submission of an
 - 8 application and the regulatory entity's decision to issue or deny a
 - 9 license pending completion of licensing requirements;
 - 10 6. Whether a license was granted to the applicant upon
 - 11 completion of requirements enumerated under applicable regulations
 - 12 or statutes; and
 - 13 7. Other data the Department determines relevant.
- 14 B. On or before September 1, 2022, the Oklahoma Department of
- 15 Labor shall compile and publish annually a report of the data in
- 16 paragraphs 1 through 5 of subsection A of this section on a
- 17 searchable public website.
- 18 C. Beginning September 1, 2022, the Occupational Licensing
- 19 Advisory Commission shall annually review the report issued under
- 20 this section and evaluate the effectiveness and sufficiency of the
- 21 Universal State and Military Equivalence Licensing Recognition Act
- 22 to ensure that qualified applicants for licensure promptly obtain
- 23 licenses and report the Commission's findings and any
- 24 recommendations regarding the act.

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

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
02/24/2021 - DO PASS, As Amended.