

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1981

By: Lepak

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5
6 AS INTRODUCED

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

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

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

22 This act shall be known and may be cited as the "Universal
23 Licensing Recognition Act".
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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 Licensing Recognition Act if there is no conflict with any
17 interstate compact or state-to-state reciprocity or equivalency
18 agreements as determined by the Oklahoma regulatory entity. When an
19 applicant moves from a state with or without statewide licensing or
20 certification in the discipline applied for and at the same practice
21 level as determined by the Oklahoma regulating entity pursuant to
22 this act and such applicant establishes verifiable proof of physical
23 residency in this state or is married to and accompanying an active
24 duty member of the Armed Forces of the United States to an official

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

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

6 a. is currently licensed or certified by another state
7 with similar scope of work through substantially
8 similar or equivalent licensure or certification
9 standards of examination, minimum education
10 requirements and, if applicable, professional work
11 experience, education training and clinical
12 supervision requirements and the other state verifies
13 that the person met these requirements in order to be
14 licensed or certified in that state, the out-of-state
15 state license or certification is and has been
16 maintained in good standing in all states in which the
17 person holds a license or certification for at least
18 one (1) year before making application to Oklahoma
19 under this act, and there is no Oklahoma statutory
20 authority under Title 59 of the Oklahoma Statutes for
21 license reciprocity or interstate compact with
22 Oklahoma in the professional discipline applied for
23 and at the same practice level as determined by the
24 Oklahoma regulating entity, or

1 b. is moving to Oklahoma and seeking licensure or
2 certification in Oklahoma from a state that does not
3 have statewide licensing or certification in the scope
4 of work of the substantially similar discipline
5 applied for and at the same practice level as
6 determined by the Oklahoma regulating entity;

7 2. The person demonstrates verifiable proof as determined by
8 the Oklahoma regulating entity of having work experience, education
9 training and clinical supervision, as applicable, in the scope of
10 work of the lawful profession for the same amount of time required
11 for Oklahoma in-state applicants;

12 3. Except for Oklahoma regulating entities with statewide
13 licensing and certifications under an interstate licensing compact
14 or state-to-state reciprocal licensing agreement providing parity
15 among the states and having substantially similar training or work
16 requirements, the Oklahoma regulating entity shall apply all
17 substantially similar and verifiable professional work experience,
18 education training and clinical supervision in the manner most
19 favorable towards satisfying any professional work experience,
20 education training and clinical supervision qualifications for
21 issuance of the requested license or certification that facilitates
22 recognition among states for licensing in the discipline applied for
23 and at the same practice level as determined by the Oklahoma
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1 regulating entity pursuant to the requirements of the state license
2 or certification;

3 4. The person demonstrates a successful passage of an
4 equivalent or substantially similar examination from another state
5 or the examination for the Oklahoma examination requirement as
6 determined by the Oklahoma regulatory entity;

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

9 6. The person making application demonstrates verifiable proof
10 that the person has not had and is free of any pending complaint,
11 investigation, suspension, revocation, voluntary surrender pending
12 investigation or resolution of complaint, or discipline imposed by
13 any other regulating entity or jurisdiction for unprofessional
14 conduct involving the applicant's out-of-state work or any other
15 state license or certification directly related to the application
16 as determined by the Oklahoma regulating entity;

17 7. If another jurisdiction has taken disciplinary action
18 against the person, the originating regulating entity or
19 jurisdiction is to determine if the cause for the action was
20 corrected and the matter resolved with the information made
21 accessible and reported to Oklahoma. If the matter has not been
22 resolved by that jurisdiction, the Oklahoma regulating entity will
23 hold an application until the matter is resolved but not longer than
24 one (1) year from the time of application at which time the Oklahoma

1 regulating entity will deny the application unless notified of
2 extraordinary circumstances warranting a one-time six-month
3 extension before the application is to be approved or denied;

4 8. Upon licensure or certification under this act, the licensee
5 or certificate holder shall report to the Oklahoma regulatory entity
6 any final determination on disciplinary actions, resignations
7 pending discipline, suspensions or revocations imposed by the
8 originating jurisdiction within thirty (30) days; and

9 9. If state law other than this act requires a review of
10 disqualifying criminal history records for a certain license or
11 certification, the person shall demonstrate verifiable proof
12 pursuant to the laws of Oklahoma there is no disqualifying criminal
13 history, pursuant to the criminal justice reform provisions limiting
14 criminal history prohibitions at Section 4000.1 of Title 59 of the
15 Oklahoma Statutes, and as determined by the Oklahoma regulating
16 entity.

17 C. This section shall not prevent an Oklahoma regulating entity
18 from entering into an interstate compact or state-to-state
19 reciprocity agreement or other equivalency agreement with another
20 state or jurisdiction to facilitate recognition, except that the
21 agreement shall not allow out-of-state licensees or certificate
22 holders to obtain a license or certificate by reciprocity in
23 Oklahoma if the applicant has not met standards that are
24 substantially similar or equivalent to the standards required for

1 Oklahoma as determined by the Oklahoma regulating entity in
2 compliance with the statutory and regulatory authority of the
3 Oklahoma regulating entity.

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 regulating
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 under this act eligible to work in another state under an interstate
12 compact or state-to-state reciprocity agreement unless specifically
13 authorized for the profession applied for and at the same practice
14 level as determined by the Oklahoma regulating entity pursuant to
15 the requirements of this act.

16 F. This act shall not apply to:

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

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

- 1 1. Current Oklahoma residential utility bill;
 - 2 2. Documentation of filing a tax return with the Oklahoma Tax
3 Commission as a resident of Oklahoma;
 - 4 3. Documentation of current ownership, or current lease for a
5 term of at least twelve (12) months, of a primary place of residence
6 in Oklahoma;
 - 7 4. Documentation of current in-state employment or notarized
8 letter of promise of employment of the applicant or his or her
9 spouse; or
 - 10 5. Any other verifiable documentation demonstrating Oklahoma
11 residency as determined by the Oklahoma regulating entity.
- 12 H. Nothing in this act shall allow any person to obtain a
13 license or certification without satisfying substantially similar or
14 equivalent requirements for in-state licensure or certification.
- 15 I. When an out-of-state applicant has complied with the
16 requirements of Title 59 of the Oklahoma Statutes as determined by
17 the Oklahoma regulatory entity and is not excluded from obtaining an
18 Oklahoma license or certification by any provision of this act, the
19 Oklahoma regulatory entity shall issue the appropriate license or
20 certification.
- 21 J. Nothing in this act shall be construed to prohibit a person
22 from applying for a statewide professional or occupational license
23 or certification under another statute or rule in Oklahoma.
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1 K. Nothing in this act shall be construed to prevent licensing
2 or certification compacts or reciprocity agreements with another
3 state or jurisdiction.

4 L. This act shall be applied in a manner that increases
5 recognition of licensure and certification among states without any
6 right of an applicant to become licensed or certified in Oklahoma.

7 M. For purposes of this act, an out of state license includes a
8 military occupational specialty obtained by an individual in any
9 branch of the United States Armed Forces.

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

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

21 1. Is there a compelling public interest that needs to be
22 protected;

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

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

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

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

9 A. Oklahoma regulating entities shall report to the Oklahoma
10 Department of Labor the following data regarding applications for
11 licensure under the Universal Licensing Recognition Act:

12 1. The number of applicants for a license;

13 2. The number of licenses issued;

14 3. The number of licenses denied pending completion of state
15 licensing requirements;

16 4. The incomplete licensing requirements resulting in the
17 denial;

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

21 6. Whether a license was granted to the applicant upon
22 completion of requirements enumerated under applicable regulations
23 or statutes; and

24 7. Other data the Department determines relevant.

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

5 C. Beginning September 1, 2022, the Oklahoma Occupational
6 Licensing Advisory Commission shall annually review the report
7 issued under this section and evaluate the effectiveness and
8 sufficiency of the Universal Licensing Recognition Act to ensure
9 that qualified applicants for licensure promptly obtain licenses and
10 report the Commission's findings and any recommendations regarding
11 the act.

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

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