

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 74, As Amended in the Senate

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING SECTION
2 67-9403, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-9409,
3 IDAHO CODE, TO PROVIDE FOR ATTORNEY LICENSURE BY THE IDAHO SUPREME
4 COURT, TO PROVIDE FOR CERTAIN FEES, AND TO PROHIBIT THE ESTABLISHMENT
5 OF ADDITIONAL METHODS TO DEMONSTRATE COMPETENCY; AMENDING SECTION
6 67-9411, IDAHO CODE, TO PROVIDE FOR SUSPENSION, REVOCATION, OR DISCI-
7 PLINE OF A LICENSE AND TO PROVIDE FOR CONDITIONAL LICENSURE; AMENDING
8 CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
9 67-9414, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNIVERSAL WORK
10 RECOGNITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
11 DATE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 67-9403, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 67-9403. DEFINITIONS. As used in this chapter:

17 (1) "Honorable conditions" means an honorable discharge or a general
18 discharge "under honorable conditions."

19 (2) "Licensing authority" means any agency, bureau, commission, de-
20 partment, division, or professional or occupational licensing board charged
21 with granting, suspending, or revoking the license, certificate, registra-
22 tion, permit, or other authorization of any person to practice a profession
23 or occupation, including but not limited to the professional and occupa-
24 tional licensing boards within the department of self-governing agencies.
25 The term licensing authority does not include the board of commissioners
26 of the Idaho state bar as established pursuant to chapter 4, title 3, Idaho
27 Code, or the Idaho supreme court.

28 (3) "Licensure" means a license, certificate, registration, permit, or
29 other authorization of any person to practice a profession or occupation.

30 (4) "Military" means the armed forces or reserves of the United States,
31 including the army, navy, marine corps, coast guard, air force, and the re-
32 serve components thereof, the national guard of any state, the military re-
33 serves of any state, or the naval militia of any state.

34 (5) "Veteran" means any person who has been discharged or released from
35 active duty in the armed forces under honorable conditions provided the per-
36 son has served on active duty for a minimum of one hundred eighty (180) con-
37 secutive days.

38 SECTION 2. That Section 67-9409, Idaho Code, be, and the same is hereby
39 amended to read as follows:

1 67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall estab-
2 lish a procedure for the issuance of licensure to a person who:

3 (a) Possesses current, valid, and unrestricted licensure in another
4 state, district, or territory of the United States; and

5 (b) Demonstrates competency in the profession or occupation through
6 methods determined by the licensing board or commission.

7 (2) Each applicant for universal licensure under this section must ap-
8 ply to the applicable licensing authority for relevant licensure. An appli-
9 clicant under this section shall be subject to the laws regulating the person's
10 practice in Idaho and is subject to the applicable licensing authority's ju-
11 risdiction. For purposes of this section, the term "licensure" means a li-
12 cense, certificate, registration, permit, or other authorization to prac-
13 tice a profession or occupation.

14 (3) To determine whether an applicant for universal licensure who
15 possesses the licensure requirements established in subsection (1) of this
16 section is otherwise qualified for licensure under Idaho law, a licensing
17 authority shall require an applicant to complete an application, submit
18 supporting materials, and undergo the same background checks as required of
19 other applicants for licensure.

20 (4) In addition to the requirements set forth in this section, if it ad-
21 ministers an examination as part of the application requirements, a licens-
22 ing authority may require an applicant to take and pass all or a portion of
23 such examination as may be necessary to demonstrate competence to practice
24 in Idaho. A licensing authority shall not establish a jurisprudence exami-
25 nation to demonstrate competence to practice in Idaho.

26 (5) An applicant for universal licensure shall pay ~~all applicable fees~~
27 the same licensing fees as required for applicants under the standard li-
28 censing process and shall be subject to all applicable requirements related
29 to maintaining licensure as established by the licensing authority.

30 (6) A licensing authority may, at its discretion, compare the au-
31 thorized scope of practice in the state, or states, where the applicant
32 currently holds licensure to the authorized scope of practice in Idaho. If
33 such licensing authority determines that the authorized scope of practice
34 in Idaho is broader than the scope of practice authorized in the state, or
35 states, where the applicant currently holds licensure, such licensing au-
36 thority may, instead of issuing a denial on the basis of the difference in
37 scope of practice, issue a limited license to such applicant pending com-
38 pletion of the additional education, training, and any other requirements
39 determined necessary by the licensing authority. A limited license issued
40 under this section shall restrict the applicant's practice in Idaho to the
41 scope of practice authorized in the state where the applicant holds prior
42 licensure until such time that the applicant satisfies the education, train-
43 ing, or other requirements deemed necessary by the licensing authority for a
44 limited period of time necessary for an applicant to meet the qualifications
45 for a full license.

46 (7) This section shall not restrict a person who is a member of a pro-
47 fession or occupation covered by an applicable interstate licensure compact
48 or applicable reciprocity agreement from seeking licensure pursuant to this
49 section. In such a situation, a person may apply for universal licensure un-
50 der this section or may apply for licensure pursuant to the terms of the ap-

1 plicable licensure compact or reciprocity agreement. A licensing authority
2 may promulgate applicable rules if necessary to implement the provisions of
3 this section.

4 (8) A licensing authority shall not establish additional methods of
5 demonstrating competency to qualify for universal licensure beyond the re-
6 quirements to qualify under the standard licensing process.

7 SECTION 3. That Section 67-9411, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing author-
10 ity shall not deny, suspend, revoke, or discipline a license, certificate,
11 registration, permit, or other authorization to practice a profession or oc-
12 cupation ~~to an applicant~~ on the basis of ~~such applicant~~ a person having a
13 prior conviction of a crime, unless such conviction is currently relevant
14 to the ~~applicant's~~ person's fitness to engage in such profession or occu-
15 pation as determined by the licensing authority. The licensing authority
16 shall make its determination based on consideration of the following fac-
17 tors:

18 (a) The nature and seriousness of the crime for which the individual was
19 convicted;

20 (b) The relationship of the crime to the ability, capacity, and fit-
21 ness required to perform the duties and discharge the responsibilities
22 of the occupation;

23 (c) The passage of time since the commission of the crime;

24 (d) Any evidence of rehabilitation or treatment undertaken by the indi-
25 vidual; and

26 (e) Any other relevant factor.

27 (2) A licensing authority shall not deny, suspend, revoke, or disci-
28 pline a license, certificate, registration, permit, or other authorization
29 to practice a profession or occupation ~~to an applicant~~ on the basis of vague
30 or generic terminology related to a criminal conviction, including but not
31 limited to "moral turpitude" or "moral character." Where such terms appear
32 in code or rule with respect to a criminal conviction, a licensing authority
33 shall conduct a relevancy evaluation pursuant to subsection (1) of this sec-
34 tion.

35 (3) In lieu of denying licensure to an applicant based on a prior crimi-
36 nal conviction, a licensing authority may, after considering the factors as
37 set forth in subsection (1) of this section, issue conditional licensure for
38 a period of one (1) year. Upon successful completion of the probational con-
39 ditions, the licensing authority shall issue a full, unrestricted license.
40 Any failure to successfully complete the probational conditions shall re-
41 sult in revocation of the conditional licensure and denial of full, unre-
42 stricted licensure.

43 SECTION 4. That Chapter 94, Title 67, Idaho Code, be, and the same is
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
45 ignated as Section 67-9414, Idaho Code, and to read as follows:

46 67-9414. UNIVERSAL WORK RECOGNITION. (1) A licensing authority shall
47 establish a procedure for the issuance of licensure to a person who:

1 (a) Has at least four (4) years of work experience in a profession or oc-
2 cupation in another state, district, or territory of the United States,
3 or in the military, where a license to practice such profession or occu-
4 pation was not required; and

5 (b) Is required to obtain a license in Idaho to be able to practice the
6 same profession or occupation with a similar scope of practice.

7 (2) If a licensing authority requires an examination, it shall require
8 the same passing score for applicants under this section as for standard li-
9 censing applicants. If a relevant licensing authority does not require an
10 examination, no examination shall be required for applicants seeking to ob-
11 tain licensure through universal work recognition.

12 (3) A licensing authority shall require the same licensing fee for ap-
13 plicants under this section as for applicants under the standard licensing
14 process.

15 (4) Each applicant for universal work recognition under this section
16 must apply to the applicable licensing authority for relevant licensure. An
17 applicant under this section shall be subject to the laws regulating the per-
18 son's practice in Idaho and the applicable licensing authority's jurisdic-
19 tion.

20 (5) To determine whether an applicant for universal work recognition
21 who possesses the work experience requirements established in subsection
22 (1) of this section is otherwise qualified for licensure under Idaho law, a
23 licensing authority shall require an applicant to complete an application,
24 submit supporting materials, and undergo the same background checks as re-
25 quired of other applicants for licensure.

26 SECTION 5. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2023.