

HOUSE BILL No. 2745

By Committee on Commerce, Labor and Economic Development

Requested by Jason Watkins on behalf of the Wichita Chamber of Commerce

2-7

1 AN ACT concerning occupational licensing; relating to occupational
2 licensing, certification and registration fees; providing that military
3 spouses of active military servicemembers shall be exempted from all
4 such fees; amending K.S.A. 2023 Supp. 48-3406 and repealing the
5 existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2023 Supp. 48-3406 is hereby amended to read as
9 follows: 48-3406. (a) For the purposes of this section:

10 (1) "Applicant" means an individual who is a military spouse,
11 military servicemember or an individual who has established or intends to
12 establish residency in this state.

13 (2) "Complete application" means the licensing body has received all
14 forms, fees, documentation, a signed affidavit stating that the application
15 information, including necessary prior employment history, is true and
16 accurate and any other information required or requested by the licensing
17 body for the purpose of evaluating the application, consistent with this
18 section and the rules and regulations adopted by the licensing body
19 pursuant to this section. If the licensing body has received all such forms,
20 fees, documentation and any other information required or requested by
21 the licensing body, an application shall be deemed to be a complete
22 application even if the licensing body has not yet received a criminal
23 background report from the Kansas bureau of investigation. *An*
24 *application by a military spouse of an active military servicemember shall*
25 *be considered a "complete application" without the submission of fees,*
26 *pursuant to the provisions of subsection (u).*

27 (3) "Electronic credential" or "electronic certification, license or
28 registration" means an electronic method by which a person may display
29 or transmit to another person information that verifies the status of a
30 person's certification, licensure, registration or permit as authorized by a
31 licensing body and is equivalent to a paper-based certification, license,
32 registration or permit.

33 (4) "Licensing body" means an official, agency, board or other entity
34 of the state that authorizes individuals to practice a profession in this state
35 and issues a license, registration, certificate, permit or other authorization

1 to an individual so authorized.

2 (5) "Military servicemember" means a current member of any branch
3 of the United States armed services, United States military reserves or
4 national guard of any state or a former member with an honorable
5 discharge.

6 (6) "Military spouse" means the spouse of a military servicemember.

7 (7) "Person" means a natural person.

8 (8) "Private certification" means a voluntary program in which a
9 private organization grants nontransferable recognition to an individual
10 who meets personal qualifications and standards relevant to performing the
11 occupation as determined by the private organization.

12 (9) "Scope of practice" means the procedures, actions, processes and
13 work that a person may perform under a government issued license,
14 registration or certification.

15 (10) "Verification system" means an electronic method by which the
16 authenticity and validity of electronic credentials are verified.

17 (b) Notwithstanding any other provision of law, any licensing body
18 shall, upon submission of a complete application, issue a paper-based and
19 verified electronic license, registration or certification to an applicant as
20 provided by this section, so that the applicant may lawfully practice the
21 person's occupation. Any licensing body may satisfy any requirement
22 under this section to provide a paper-based license, registration,
23 certification or permit in addition to an electronic license, registration,
24 certification or permit by issuing such electronic credential to the applicant
25 in a format that permits the applicant to print a paper copy of such
26 electronic credential. Such paper copy shall be considered a valid license,
27 registration, certification or permit for all purposes.

28 (c) An applicant who holds a valid current license, registration or
29 certification in another state, district or territory of the United States shall
30 receive a paper-based and verified electronic license, registration or
31 certification:

32 (1) If the applicant qualifies under the applicable Kansas licensure,
33 registration or certification by endorsement, reinstatement or reciprocity
34 statutes, then pursuant to applicable licensure, registration or certification
35 by endorsement, reinstatement or reciprocity statutes of the licensing body
36 of this state for the license, registration or certification within 15 days from
37 the date a complete application was submitted if the applicant is a military
38 servicemember or military spouse or within 45 days from the date a
39 complete application was submitted for all other applicants; or

40 (2) if the applicant does not qualify under the applicable licensure,
41 registration or certification by endorsement, reinstatement or reciprocity
42 statutes of the licensing body of this state, or if the Kansas professional
43 practice act does not have licensure, registration or certification by

1 endorsement, reinstatement or reciprocity statutes, then the applicant shall
2 receive a license, registration or certification as provided herein if, at the
3 time of application, the applicant:

4 (A) Holds a valid current license, registration or certification in
5 another state, district or territory of the United States with licensure,
6 registration or certification requirements that the licensing body
7 determines authorize a similar scope of practice as those established by the
8 licensing body of this state, or holds a certification issued by another state
9 for practicing the occupation but this state requires an occupational
10 license, and the licensing body of this state determines that the
11 certification requirements certify a similar scope of practice as the
12 licensing requirements established by the licensing body of this state;

13 (B) has worked for at least one year in the occupation for which the
14 license, certification or registration is sought;

15 (C) has not committed an act in any jurisdiction that would have
16 constituted grounds for the limitation, suspension or revocation of the
17 license, certificate or registration, or that the applicant has never been
18 censured or had other disciplinary action taken or had an application for
19 licensure, registration or certification denied or refused to practice an
20 occupation for which the applicant seeks licensure, registration or
21 certification;

22 (D) has not been disciplined by a licensing, registering, certifying or
23 other credentialing entity in another jurisdiction and is not the subject of
24 an unresolved complaint, review procedure or disciplinary proceeding
25 conducted by a licensing, registering, certifying or other credentialing
26 entity in another jurisdiction nor has surrendered their membership on any
27 professional staff in any professional association or society or faculty for
28 another state or jurisdiction while under investigation or to avoid adverse
29 action for acts or conduct similar to acts or conduct that would constitute
30 grounds for disciplinary action in a Kansas practice act;

31 (E) does not have a disqualifying criminal record as determined by
32 the licensing body of this state under Kansas law;

33 (F) provides proof of solvency, financial standing, bonding or
34 insurance if required by the licensing body of this state, but only to the
35 same extent as required of any applicant with similar credentials or
36 experience;

37 (G) pays any fees required by the licensing body of this state; and

38 (H) submits with the application a signed affidavit stating that the
39 application information, including necessary prior employment history, is
40 true and accurate.

41 Upon receiving a complete application and the provisions of subsection
42 (c)(2) apply and have been met by the applicant, the licensing body shall
43 issue the license, registration or certification within 15 days from the date

1 a complete application was submitted by a military servicemember or
2 military spouse, or within 45 days from the date a complete application
3 was submitted by an applicant who is not a military servicemember or
4 military spouse, to the applicant on a probationary basis, but may revoke
5 the license, registration or certification at any time if the information
6 provided in the application is found to be false. The probationary period
7 shall not exceed six months. Upon completion of the probationary period,
8 the license, certification or registration shall become a non-probationary
9 license, certification or registration.

10 (d) Any applicant who has not been in the active practice of the
11 occupation during the two years preceding the application for which the
12 applicant seeks a license, registration or certification under subsection (c)
13 (2) may be required to complete such additional testing, training,
14 monitoring or continuing education as the Kansas licensing body may
15 deem necessary to establish the applicant's present ability to practice in a
16 manner that protects the health and safety of the public, as provided by
17 subsection (j).

18 (e) Upon submission of a complete application, an applicant may
19 receive an occupational license, registration or certification based on the
20 applicant's work experience in another state, if the applicant:

21 (1) Worked in a state that does not use an occupational license,
22 registration, certification or private certification to regulate an occupation,
23 but this state uses an occupational license, registration or certification to
24 regulate the occupation;

25 (2) worked for at least three years in the occupation during the four
26 years immediately preceding the application; and

27 (3) satisfies the requirements of subsection (c)(2)(C) through (H).

28 (f) Upon submission of a complete application, an applicant may
29 receive an occupational license, registration or certification under
30 subsection (b) based on the applicant's holding of a private certification
31 and work experience in another state, if the applicant:

32 (1) Holds a private certification and worked in a state that does not
33 use an occupational license or government certification to regulate an
34 occupation, but this state uses an occupational license or government
35 certification to regulate the occupation;

36 (2) worked for at least two years in the occupation;

37 (3) holds a current and valid private certification in the occupation;

38 (4) is held in good standing by the organization that issued the private
39 certification; and

40 (5) satisfies the requirements of subsection (c)(2)(C) through (H).

41 (g) An applicant licensed, registered or certified under this section
42 shall be entitled to the same rights and subject to the same obligations as
43 are provided by the licensing body for Kansas residents, except that

1 revocation or suspension of an applicant's license, registration or
2 certificate in the applicant's state of residence or any jurisdiction in which
3 the applicant held a license, registration or certificate shall automatically
4 cause the same revocation or suspension of such applicant's license,
5 registration or certificate in Kansas. No hearing shall be granted to an
6 applicant where such applicant's license, registration or certificate is
7 subject to such automatic revocation or suspension, except for the purpose
8 of establishing the fact of revocation or suspension of the applicant's
9 license, registration or certificate by the applicant's state of residence or
10 jurisdiction in which the applicant held a license, registration or certificate.

11 (h) In the event the licensing body determines that the license,
12 registration or certificate currently held by an applicant under subsection
13 (c)(2) or the work experience or private credential held by an applicant
14 under subsections (e) or (f), who is a military spouse or military
15 servicemember does not authorize a similar scope of practice as the
16 license, registration or certification issued by the licensing body of this
17 state, the licensing body shall issue a temporary permit for a limited period
18 of time to allow the applicant to lawfully practice the applicant's
19 occupation while completing any specific requirements that are required in
20 this state for licensure, registration or certification that were not required
21 in the state, district or territory of the United States in which the applicant
22 was licensed, registered, certified or otherwise credentialed, unless the
23 licensing body finds, based on specific grounds, that issuing a temporary
24 permit would jeopardize the health and safety of the public.

25 (i) In the event the licensing body determines that the license,
26 registration or certification currently held by an applicant under subsection
27 (c)(2) or the work experience or private credential held by an applicant
28 under subsections (e) or (f), who is not a military spouse or military
29 servicemember, does not authorize a similar scope of practice as the
30 license, registration or certification issued by the licensing body of this
31 state, the licensing body may issue a temporary permit for a limited period
32 of time to allow the applicant to lawfully practice the applicant's
33 occupation while completing any specific requirements that are required in
34 this state for licensure, registration or certification that was not required in
35 the state, district or territory of the United States in which the applicant
36 was licensed, registered, certified or otherwise credentialed, unless the
37 licensing body finds, based on specific grounds, that issuing a temporary
38 permit would jeopardize the health and safety of the public.

39 (j) Any testing, continuing education or training requirements
40 administered under subsection (d), (h) or (i) shall be limited to Kansas law
41 that regulates the occupation and that are materially different from or
42 additional to the law of another state, or shall be limited to any materially
43 different or additional body of knowledge or skill required for the

1 occupational license, registration or certification in Kansas.

2 (k) A licensing body may grant licensure, registration, certification or
3 a temporary permit to any person who meets the requirements under this
4 section but was separated from such military service under less than
5 honorable conditions or with a general discharge under honorable
6 conditions.

7 (l) Nothing in this section shall be construed to apply in conflict with
8 or in a manner inconsistent with federal law or a multistate compact, or a
9 rule or regulation or a reciprocal or other applicable statutory provision
10 that would allow an applicant to receive a license. Nothing in this section
11 shall be construed as prohibiting a licensing body from denying any
12 application for licensure, registration or certification, or declining to grant
13 a temporary or probationary license, if the licensing body determines that
14 granting the application may jeopardize the health and safety of the public.

15 (m) Nothing in this section shall be construed to be in conflict with
16 any applicable Kansas statute defining the scope of practice of an
17 occupation. The scope of practice as provided by Kansas law shall apply to
18 applicants under this section.

19 (n) Notwithstanding any other provision of law, during a state of
20 emergency declared by the legislature, a licensing body may grant a
21 temporary emergency license to practice any profession licensed, certified,
22 registered or regulated by the licensing body to an applicant whose
23 qualifications the licensing body determines to be sufficient to protect
24 health and safety of the public and may prohibit any unlicensed person
25 from practicing any profession licensed, certified, registered or regulated
26 by the licensing body.

27 (o) Not later than January 1, 2025, licensing bodies shall provide
28 paper-based and verified electronic credentials to persons regulated by the
29 licensing body. A licensing body may prescribe the format or requirements
30 of the electronic credential to be used by the licensing body. Any statutory
31 or regulatory requirement to display, post or produce a credential issued by
32 a licensing body may be satisfied by the proffer of an electronic credential
33 authorized by the licensing body. A licensing body may use a third-party
34 electronic credential system that is not maintained by the licensing body.

35 (p) On or before January 1, 2025, and subject to appropriations
36 therefore, the secretary of administration shall develop and implement a
37 uniform or singular license verification portal for the purpose of verifying
38 or reporting license statuses such as credentials issued, renewed, revoked
39 or suspended by licensing bodies or that have expired or otherwise
40 changed in status. The secretary of administration may utilize the services
41 or facilities of a third party for the central electronic record system. The
42 central electronic record system shall comply with the requirements
43 adopted by the information technology executive council pursuant to

1 K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025,
2 each licensing body shall be able to integrate with the uniform or singular
3 license verification portal in the manner and format required by the
4 secretary of administration indicating any issuance, renewal, revocation,
5 suspension, expiration or other change in status of an electronic credential
6 that has occurred. No charge for the establishment or maintenance of the
7 uniform or singular license verification portal shall be imposed on any
8 licensing body or any person with a license, registration, certification or
9 permit issued by a licensing body. The centralized electronic credential
10 data management systems shall include an instantaneous verification
11 system that is operated by the licensing body's respective secretary, or the
12 secretary's designee, or the secretary's third-party agent on behalf of the
13 licensing body for the purpose of instantly verifying the authenticity and
14 validity of electronic credentials issued by the licensing body. Centralized
15 electronic credential data management systems shall maintain an auditable
16 record of credentials issued by each licensing body.

17 (q) Nothing in this section shall be construed as prohibiting or
18 preventing a licensing body from developing, operating, maintaining or
19 using a separate electronic credential system of the licensing body or of a
20 third party in addition to making the reports to the central electronic record
21 system required by subsection (p) or participating in a multistate compact
22 or a reciprocal licensure, registration or certification process as long as the
23 separate electronic credential system of the licensing body integrates with
24 the uniform or singular license verification portal.

25 (r) Each licensing body shall adopt rules and regulations necessary to
26 implement and carry out the provisions of this section.

27 (s) This section shall not apply to the practice of law or the regulation
28 of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the
29 certification of law enforcement officers pursuant to the Kansas law
30 enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

31 (t) The state board of healing arts and the state board of technical
32 professions, with respect to an applicant who is seeking a license to
33 practice professional engineering or engage in the practice of engineering,
34 as defined in K.S.A. 74-7003, and amendments thereto, may deny an
35 application for licensure, registration or certification, or decline to grant a
36 temporary or probationary license, if the board determines the applicant's
37 qualifications are not substantially equivalent to those established by the
38 board. Such boards shall not otherwise be exempt from the provisions of
39 this act.

40 (u) *Notwithstanding any other provision of law to the contrary,*
41 *applicants who are military spouses of active military service members*
42 *shall be exempt from all fees assessed by any licensing body including*
43 *application, licensing, registration, certification or permit fees. Licensing*

1 *bodies shall adopt rules and regulations to implement the provisions of*
2 *this subsection.*

3 (v) This section shall apply to all licensing bodies not excluded under
4 subsection (s), including, but not limited to:

- 5 (1) The abstracters' board of examiners;
- 6 (2) the board of accountancy;
- 7 (3) the board of adult care home administrators;
- 8 (4) the secretary for aging and disability services, with respect to
- 9 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 10 (5) the Kansas board of barbering;
- 11 (6) the behavioral sciences regulatory board;
- 12 (7) the Kansas state board of cosmetology;
- 13 (8) the Kansas dental board;
- 14 (9) the state board of education;
- 15 (10) the Kansas board of examiners in fitting and dispensing of
- 16 hearing instruments;
- 17 (11) the board of examiners in optometry;
- 18 (12) the state board of healing arts, as provided by subsection (t);
- 19 (13) the secretary of health and environment, with respect to K.S.A.
- 20 82a-1201 et seq., and amendments thereto;
- 21 (14) the commissioner of insurance, with respect to K.S.A. 40-241
- 22 and 40-4901 et seq., and amendments thereto;
- 23 (15) the state board of mortuary arts;
- 24 (16) the board of nursing;
- 25 (17) the state board of pharmacy;
- 26 (18) the Kansas real estate commission;
- 27 (19) the real estate appraisal board;
- 28 (20) the state board of technical professions, as provided by
- 29 subsection (t); and
- 30 (21) the state board of veterinary examiners.

31 ~~(v)~~(w) All proceedings pursuant to this section shall be conducted in
32 accordance with the provisions of the Kansas administrative procedure act
33 and shall be reviewable in accordance with the Kansas judicial review act.

34 ~~(w)~~(x) Commencing on July 1, 2021, and each year thereafter, each
35 licensing body listed in subsection (u)(1) through (21) shall provide a
36 report for the period of July 1 through June 30 to the director of legislative
37 research by August 31 of each year, providing information requested by
38 the director of legislative research to fulfill the requirements of this
39 subsection. The director of legislative research shall develop the report
40 format, prepare an analysis of the reports and submit and present the
41 analysis to the office of the governor, the committee on commerce, labor
42 and economic development of the house of representatives, the committee
43 on commerce of the senate, the committee on appropriations of the house

1 of representatives and the committee on ways and means of the senate by
2 January 15 of the succeeding year. The director's report may provide any
3 analysis the director deems useful and shall provide the following items,
4 detailed by applicant type, including military servicemember, military
5 spouse and non-military individual:

6 (1) The number of applications received under the provisions of this
7 section;

8 (2) the number of applications granted under this section;

9 (3) the number of applications denied under this section;

10 (4) the average time between receipt of the application and
11 completion of the application;

12 (5) the average time between receipt of a complete application and
13 issuance of a license, certification or registration; and

14 (6) identification of applications submitted under this section where
15 the issuance of credentials or another determination by the licensing body
16 was not made within the time limitations pursuant to this section and the
17 reasons for the failure to meet such time limitations.

18 All information shall be provided by the licensing body to the director
19 of legislative research in a manner that maintains the confidentiality of all
20 applicants and in aggregate form that does not permit identification of
21 individual applicants.

22 Sec. 2. K.S.A. 2023 Supp. 48-3406 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the statute book.