

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1891

By: Pugh, Bergstrom and Allen
of the Senate

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and

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Wallace of the House

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An Act relating to occupations and professions;
creating the Universal Occupational License
Recognition Act; providing short title; providing for
recognition of certain occupational licenses and
certifications for certain persons; providing
criteria for issuing certain licenses; recognizing
disqualifying criminal history for certain licensure
or certifications; allowing state-to-state reciprocal
agreements; prohibiting licensure under certain
conditions; permitting examination for licensure;
requiring Oklahoma licensing laws and jurisdiction to
apply to reciprocal licenses; excepting certain
provisions for reciprocal licensure; stating
fingerprint clearance and interstate compact
requirements; defining term; recognizing certain out-
of-state work experience for certain purpose;
recognizing certain private certification for certain
purpose; requiring periodic review of all licenses by
regulating entity; stating minimum review period;
stating criteria for review; providing for
codification; and providing an effective date.

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19 AUTHORS: Add the following House Coauthors: Lepak, Roe and Fugate

20 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
and replace with:

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"An Act relating to professions and occupations;
creating the Universal Licensing Recognition Act;
providing for issuance of licenses for certain
applicants; defining term; providing for
qualifications for reciprocity; allowing regulating

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1 entities to enter into certain agreements; subjecting
2 licensed individuals to certain jurisdiction; stating
3 validity of licensure; prohibiting licensure
4 reciprocity unless authorized by regulating entity;
5 providing exceptions to licensing qualifications;
6 providing for residency requirements; providing for
7 issuance of license under certain circumstances;
8 disallowing licensure unless certain standards are
9 met; providing for construing of act; establishing
10 procedures for review of licenses; providing for
11 reporting requirements; providing for codification;
12 and providing an effective date.

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

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

17 This act shall be known and may be cited as the "Universal
18 Licensing Recognition Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 4150.1 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. There is hereby created professional and occupational
23 licensing recognition for the issuance of licenses for applicants
24 moving to and residing in Oklahoma. Unless otherwise provided by
law, this act shall not apply to any laws authorizing reciprocity
including interstate compacts, state-to-state reciprocal agreements
and other state-to-state equivalency provisions pertaining to
licensees and certificate holders and applicants from other states.

1 For purposes of this act, "Oklahoma regulatory entity" means any
2 administrative body or official with authority over any occupational
3 or professional license or certification in this state.

4 B. A person moving to and residing in Oklahoma may make
5 application for licensing or certification pursuant to the Universal
6 Licensing Recognition Act if there is no conflict with any
7 interstate compact or state-to-state reciprocity or equivalency
8 agreements as determined by the Oklahoma regulatory entity. When an
9 applicant moves from a state with or without statewide licensing or
10 certification in the discipline applied for and at the same practice
11 level as determined by the Oklahoma regulating entity pursuant to
12 this act and such applicant establishes verifiable proof of physical
13 residency in this state or is married to and accompanying an active
14 duty member of the Armed Forces of the United States to an official
15 permanent change of station to a military installation located in
16 this state and such spouse is not making application pursuant to the
17 Military Service Occupation, Education and Credentialing Act, all of
18 the following shall apply:

- 19 1. The out-of-state applicant is a person who:
 - 20 a. is currently licensed or certified by another state
21 with similar scope of work through substantially
22 similar or equivalent licensure or certification
23 standards of examination, minimum education
24 requirements and, if applicable, professional work

1 experience, education training and clinical
2 supervision requirements and the other state verifies
3 that the person met these requirements in order to be
4 licensed or certified in that state, the out-of-state
5 state license or certification is and has been
6 maintained in good standing in all states in which the
7 person holds a license or certification for at least
8 one (1) year before making application to Oklahoma
9 under this act, and there is no Oklahoma statutory
10 authority under Title 59 of the Oklahoma Statutes for
11 license reciprocity or interstate compact with
12 Oklahoma in the professional discipline applied for
13 and at the same practice level as determined by the
14 Oklahoma regulating entity, or

15 b. is moving to Oklahoma and seeking licensure or
16 certification in Oklahoma from a state that does not
17 have statewide licensing or certification in the scope
18 of work of the substantially similar discipline
19 applied for and at the same practice level as
20 determined by the Oklahoma regulating entity;

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

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

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

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

23 6. The person making application demonstrates verifiable proof
24 that the person has not had and is free of any pending complaint,

1 investigation, suspension, revocation, voluntary surrender pending
2 investigation or resolution of complaint, or discipline imposed by
3 any other regulating entity or jurisdiction for unprofessional
4 conduct involving the applicant's out-of-state work or any other
5 state license or certification directly related to the application
6 as determined by the Oklahoma regulating entity;

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

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

23 9. If state law other than this act requires a review of
24 disqualifying criminal history records for a certain license or

1 certification, the person shall demonstrate verifiable proof
2 pursuant to the laws of Oklahoma there is no disqualifying criminal
3 history, pursuant to the criminal justice reform provisions limiting
4 criminal history prohibitions at Section 4000.1 of Title 59 of the
5 Oklahoma Statutes, and as determined by the Oklahoma regulating
6 entity.

7 C. This section shall not prevent an Oklahoma regulating entity
8 from entering into an interstate compact or state-to-state
9 reciprocity agreement or other equivalency agreement with another
10 state or jurisdiction to facilitate recognition, except that the
11 agreement shall not allow out-of-state licensees or certificate
12 holders to obtain a license or certificate by reciprocity in
13 Oklahoma if the applicant has not met standards that are
14 substantially similar or equivalent to the standards required for
15 Oklahoma as determined by the Oklahoma regulating entity in
16 compliance with the statutory and regulatory authority of the
17 Oklahoma regulating entity.

18 D. A person who is licensed pursuant to this act is subject to
19 the laws regulating the person's practice and license or
20 certification in Oklahoma and is subject to the Oklahoma regulating
21 entity's jurisdiction.

22 E. A statewide professional or occupational license or
23 certificate issued pursuant to this act is valid only in Oklahoma.
24 It shall not make the person obtaining licensure or certification

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

6 F. This act shall not apply to:

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

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

- 15 1. Current Oklahoma residential utility bill;
- 16 2. Documentation of filing a tax return with the Oklahoma Tax
17 Commission as a resident of Oklahoma;
- 18 3. Documentation of current ownership, or current lease for a
19 term of at least twelve (12) months, of a primary place of residence
20 in Oklahoma;
- 21 4. Documentation of current in-state employment or notarized
22 letter of promise of employment of the applicant or his or her
23 spouse; or

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1 5. Any other verifiable documentation demonstrating Oklahoma
2 residency as determined by the Oklahoma regulating entity.

3 H. Nothing in this act shall allow any person to obtain a
4 license or certification without satisfying substantially similar or
5 equivalent requirements for in-state licensure or certification.

6 I. When an out-of-state applicant has complied with the
7 requirements of Title 59 of the Oklahoma Statutes as determined by
8 the Oklahoma regulatory entity and is not excluded from obtaining an
9 Oklahoma license or certification by any provision of this act, the
10 Oklahoma regulatory entity shall issue the appropriate license or
11 certification.

12 J. Nothing in this act shall be construed to prohibit a person
13 from applying for a statewide professional or occupational license
14 or certification under another statute or rule in Oklahoma.

15 K. Nothing in this act shall be construed to prevent licensing
16 or certification compacts or reciprocity agreements with another
17 state or jurisdiction.

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

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:

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 regulating entities shall report to the Oklahoma
22 Department of Labor the following data regarding applications for
23 licensure under the Universal Licensing Recognition Act:

24 1. The number of applicants for a license;

1 2. The number of licenses issued;

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

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

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

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

12 7. Other data the Department determines relevant.

13 B. On or before September 1, 2021, the Oklahoma Department of
14 Labor shall compile and publish annually a report of the data in
15 paragraphs 1 through 5 of subsection A of this section on a
16 searchable public website.

17 C. Beginning September 1, 2021, the Oklahoma Occupational
18 Licensing Advisory Commission shall annually review the report
19 issued under this section and evaluate the effectiveness and
20 sufficiency of the Universal Licensing Recognition Act to ensure
21 that qualified applicants for licensure promptly obtain licenses and
22 report the Commission's findings and any recommendations regarding
23 the act.

24 SECTION 5. This act shall become effective March 1, 2021."

1 Passed the House of Representatives the 15th day of May, 2020.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2020.

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9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1891

By: Pugh, Bergstrom and Allen
of the Senate

3 and

4 Wallace of the House
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6 An Act relating to occupations and professions;
7 creating the Universal Occupational License
8 Recognition Act; providing short title; providing for
9 recognition of certain occupational licenses and
10 certifications for certain persons; providing
11 criteria for issuing certain licenses; recognizing
12 disqualifying criminal history for certain licensure
13 or certifications; allowing state-to-state reciprocal
14 agreements; prohibiting licensure under certain
15 conditions; permitting examination for licensure;
16 requiring Oklahoma licensing laws and jurisdiction to
17 apply to reciprocal licenses; excepting certain
18 provisions for reciprocal licensure; stating
19 fingerprint clearance and interstate compact
20 requirements; defining term; recognizing certain out-
21 of-state work experience for certain purpose;
22 recognizing certain private certification for certain
23 purpose; requiring periodic review of all licenses by
24 regulating entity; stating minimum review period;
stating criteria for review; providing for
codification; and providing an effective date.

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

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 4150 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Universal
24 Occupational License Recognition Act".

1 SECTION 7. 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. Notwithstanding any other law, an occupational license or
5 certificate shall be issued, in the discipline applied for and at
6 the same practice level as determined by the regulating entity,
7 pursuant to this act to a person who offers proof of physical
8 residency in this state or is married to an active duty member of
9 the armed forces of the United States and who is accompanying such
10 member to an official permanent change of station to a military
11 installation located in this state if all of the following apply:

12 1. The person is currently licensed or certified in at least
13 one other state in the discipline applied for and at the same
14 practice level as determined by the regulating entity and the
15 license or certification is in good standing in all states in which
16 the person holds a license or certification;

17 2. The person has been licensed or certified by another state
18 for at least one (1) year;

19 3. When the person was licensed or certified by another state
20 there were minimum education requirements and, if applicable, work
21 experience and clinical supervision requirements in effect and the
22 other state verifies that the person met those requirements in order
23 to be licensed or certified in that state;

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1 4. The person previously passed an examination required for the
2 license or certification if required by the other state;

3 5. The person has not had a license or certificate revoked and
4 has not voluntarily surrendered a license or certificate in any
5 other state or country while under investigation for unprofessional
6 conduct;

7 6. The person has not had discipline imposed by any other
8 regulating entity. If another jurisdiction has taken disciplinary
9 action against the person, the regulating entity shall determine if
10 the cause for the action was corrected and the matter resolved. If
11 the matter has not been resolved by that jurisdiction, the
12 regulating entity may not issue or deny a license until the matter
13 is resolved;

14 7. The person does not have a complaint, allegation or
15 investigation pending before another regulating entity in another
16 state or country that relates to unprofessional conduct. If an
17 applicant has any complaints, allegations or investigations pending,
18 the regulating entity in this state shall suspend the application
19 process and may not issue or deny a license to the applicant until
20 the complaint, allegation or investigation is resolved;

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

23 9. The person does not have a disqualifying criminal history as
24 determined by the regulating entity and current state law.

1 B. This section does not prevent a regulating entity under this
2 act from entering into a reciprocity agreement with another state or
3 jurisdiction for persons married to active duty members of the armed
4 forces of the United States, except that the agreement may not allow
5 out-of-state licensees or certificate holders to obtain a license or
6 certificate by reciprocity in this state if the applicant has not
7 met standards that are substantially equivalent to or greater than
8 the standards required in this state as determined by the regulating
9 entity on a case-by-case basis.

10 C. A regulating entity that administers an examination on laws
11 of this state as part of its license or certificate application
12 requirement may require an applicant to take and pass an examination
13 on the laws of this state.

14 D. A person who is licensed pursuant to this act is subject to
15 the laws regulating the person's practice in this state and is
16 subject to the regulating entity's jurisdiction.

17 E. This section does not apply to:

- 18 1. Requirements for a fingerprint clearance card; and
- 19 2. Criteria for a license, permit or certificate of eligibility
20 that is established by an interstate compact.

21 F. For purposes of this act, the term "proof of physical
22 residency" means the presentation of two separate forms of
23 documentation showing the person has established and maintains a
24 physical dwelling place or legal residency within this state. The

1 documentation may be issued by the state, a political subdivision or
2 an agency of this state or governmental entity in the form of a
3 utility service statement, tax return or statement, state or
4 military identification card, driver license, active military orders
5 or a private document such as a residential lease agreement or real
6 estate document, or other documents acceptable to the regulating
7 entity; provided, each document must bear the same person's name and
8 physical address on its face.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4150.2 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 Recognition of out-of-state work experience.

13 Notwithstanding any other law, the regulating entity shall issue
14 an occupational license or government certification to a person upon
15 application based on work experience in another state, provided the
16 person offers proof of physical residency in this state, if all the
17 following apply:

18 1. The person worked in a state that does not use an
19 occupational license or government certification to regulate a
20 lawful occupation, but this state uses an occupational license or
21 government certification to regulate a lawful occupation with a
22 similar scope of practice, as determined by the regulating entity;

23 2. The person worked for at least one (1) year in the lawful
24 occupation; and

1 3. The person satisfies paragraphs 6 through 9 of subsection A
2 of Section 2 of this act.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4150.3 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 Recognition of private certification in other states.

7 Notwithstanding any other law, the regulating entity shall issue
8 an occupational license or government certification to a person upon
9 application based on holding a private certification and work
10 experience in another state, provided the person offers proof of
11 physical residency in this state, if all the following apply:

12 1. The person holds a private certification and worked in a
13 state that does not use an occupational license or government
14 certification to regulate a lawful occupation, but this state uses
15 an occupational license or government certification to regulate a
16 lawful occupation with a similar scope of practice, as determined by
17 the regulating entity;

18 2. The person worked at least one (1) year in the lawful
19 occupation;

20 3. The person holds a current and valid private certification
21 in the lawful occupation;

22 4. The private certification organization recognizes the person
23 to be in good standing; and
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1 5. The person satisfies paragraphs 6 through 9 of subsection A
2 of Section 2 of this act.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4150.4 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 All state occupational or professional licenses shall be
7 reviewed not less than once every four (4) years to determine if the
8 license is necessary and if necessary, uses the least restrictive
9 regulation to protect consumers from present, significant and
10 substantiated harms that threaten public health and safety. Review
11 of occupational or professional licenses shall be conducted by the
12 regulating entity and shall answer the following questions:

13 1. Is there a compelling public interest that needs to be
14 protected;

15 2. Is the least restrictive means that would sufficiently
16 protect the public interest being used;

17 3. If occupational licensing is used, does the regulating
18 entity in charge of such licensure have a controlling number of
19 regulating entity members as market participants; and

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

22 SECTION 11. This act shall become effective November 1, 2020.

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