

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1981

6 By: Lepak

7 COMMITTEE SUBSTITUTE

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

This act shall be known and may be cited as the "Universal State
and Military Equivalence Licensing Recognition Act".

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 State and Military Equivalence Licensing Recognition Act separate
17 from, apart from, and in addition to any interstate compact or
18 state-to-state reciprocity or equivalency agreements as determined
19 by the Oklahoma regulatory entity. When an applicant holding an
20 out-of-state license or certification seeks a license or
21 certification for an occupation with a similar scope of practice as
22 determined by the Oklahoma regulatory entity pursuant to this act
23 and such applicant establishes verifiable proof of physical
24 residency in this state or is married to and accompanying an active

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

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

7 a. is currently licensed or certified by another state to
8 work in an occupation with a similar scope of practice
9 through satisfying licensure or certification
10 standards of examination, minimum education
11 requirements and, if applicable, professional work
12 experience, education training and clinical
13 supervision requirements and the other state verifies
14 that the person met these requirements in order to be
15 licensed or certified in that state, the out-of-state
16 state license or certification is and has been
17 maintained in good standing in all states in which the
18 person holds a license or certification for at least
19 one (1) year before making application to Oklahoma
20 under this act, or

21 b. is moving to Oklahoma and seeking licensure or
22 certification in Oklahoma from a state that does not
23 have statewide licensing or certification for an
24 occupation with a similar scope of practice as

1 determined by the Oklahoma regulatory entity, and
2 demonstrates verifiable proof of one (1) year of
3 experience working in the occupation of that state;

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

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

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

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

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

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

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

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

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 regulatory
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 pursuant to this act eligible to work in another state under an
12 interstate compact or state-to-state reciprocity agreement.

13 F. This act shall not apply to:

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

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

- 22 1. Current Oklahoma residential utility bill;
- 23 2. Documentation of filing a tax return with the Oklahoma Tax
24 Commission as a resident of Oklahoma;

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

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

7 5. Any other verifiable documentation demonstrating Oklahoma
8 residency as determined by the Oklahoma regulating entity.

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

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

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

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

22 All state occupational and professional licenses shall be
23 reviewed not less than once every four (4) years pursuant to the
24 provisions of the Occupational Licensing Review Act to determine if

1 the license is necessary and, if necessary, use the least
2 restrictive regulation to protect consumers from present,
3 significant and substantiated harms that threaten public health and
4 safety. The Occupational Licensing Advisory Commission shall review
5 said licenses and ask the following questions:

6 1. Is there a compelling public interest that needs to be
7 protected;

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

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

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

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

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

22 1. The number of applicants for a license;

23 2. The number of licenses issued;

24

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

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

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

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

11 7. Other data the Department determines relevant.

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

16 C. Beginning September 1, 2022, the Occupational Licensing
17 Advisory Commission shall annually review the report issued under
18 this section and evaluate the effectiveness and sufficiency of the
19 Universal State and Military Equivalence Licensing Recognition Act
20 to ensure that qualified applicants for licensure promptly obtain
21 licenses and report the Commission's findings and any
22 recommendations regarding the act.

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

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