

1 ENGROSSED HOUSE
2 BILL NO. 2873

By: Wallace and Fugate of the
House

3 and

4 Leewright of the Senate
5
6

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; providing for
21 codification; and providing an effective date.

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

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

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 that there is no disqualifying
3 criminal history, pursuant to the criminal justice reform provisions
4 limiting criminal history prohibitions at Section 4000.1 of Title 59
5 of the Oklahoma Statutes, and as determined by the Oklahoma
6 regulating 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.

