ENGROSSED SENATE
BILL NO. 1891

By: Pugh, Bergstrom and Allen of the Senate

and

Wallace of the House

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.

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 Occupational License Recognition Act”.

ENGR. S. B. NO. 1891
SECTION 2. NEW LAW  A new section of law to be codified in the Oklahoma Statutes as Section 4150.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

3. When the person was licensed or certified by another state there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state;
4. The person previously passed an examination required for the license or certification if required by the other state;

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

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

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

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

9. The person does not have a disqualifying criminal history as determined by the regulating entity and current state law.
B. This section does not prevent a regulating entity under this act from entering into a reciprocity agreement with another state or jurisdiction for persons married to active duty members of the armed forces of the United States, except that the agreement may not allow out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in this state if the applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the regulating entity on a case-by-case basis.

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

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

E. This section does not apply to:

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

F. For purposes of this act, the term “proof of physical residency” means the presentation of two separate forms of documentation showing the person has established and maintains a physical dwelling place or legal residency within this state. The
documentation may be issued by the state, a political subdivision or an agency of this state or governmental entity in the form of a utility service statement, tax return or statement, state or military identification card, driver license, active military orders or a private document such as a residential lease agreement or real estate document, or other documents acceptable to the regulating entity; provided, each document must bear the same person’s name and physical address on its face.

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

Recognition of out-of-state work experience.

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

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

2. The person worked for at least one (1) year in the lawful occupation; and
3. The person satisfies paragraphs 6 through 9 of subsection A of Section 2 of this act.

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

Recognition of private certification in other states.

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

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

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

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

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

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

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

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

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

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

4. Is there active supervision of the regulating entity’s actions by the state.

SECTION 6. This act shall become effective November 1, 2020.
Passed the Senate the 11th day of March, 2020.

Presiding Officer of the Senate

Passed the House of Representatives the ___ day of __________, 2020.

Presiding Officer of the House of Representatives