

Minutes of the
Occupational Licensing Reform (OLR) Workgroup
Tuesday, March 12, 2024, 1:00 – 2:30 p.m.
TEAMS Conference Call

Members present: Katie Ralston Howe, Senator Randy Burckhard, Representative Cindy Schreiber-Beck, Representative Emily O'Brien, Senator Michelle Axtman, Senator Judy Lee, Senator Kristin Roers, Dr. Nizar Wehbi, Rick Gardner, Major Jay Sheldon, Phil Davis, Janna Pastir

Members absent: Senator Scott Meyer, Jace Beehler

Guests: Dan Logsdon, Nathan Svihovec, Carolyn Laird

WELCOME/INTRODUCTIONS

Katie Ralston Howe opened the meeting at 1:00 p.m., welcoming new and current members to the kick off meeting of the OLR subcommittee via the Microsoft TEAMS video conferencing platform.

REVIEW OF SUBCOMMITTEE MISSION **Katie Ralston Howe**

MISSION: Remove unnecessary barriers to employment while preserving the health and safety of North Dakotans and promoting competition.

GOAL: Remove unnecessary barriers to employment while preserving the health and safety of North Dakotans and promoting competition.

WORK TO DATE AND KEY FINDINGS:

- Timeline to Licensure
- Geographic Mobility
- Barriers & Opportunities identified by Boards

RECAP OF PREVIOUS WORK AND WDC RECOMMENDATIONS

- Partnership with Council of State Governments (CSG)
- National Council of State Legislatures (NCSL)
- Presentations by subject matter experts
- Listening sessions with boards.
- Council on Licensure, Enforcement and Regulation (CLEAR) Research

GEOGRAPHIC MOBILITY

- Delegated authority
- 30% designate a board member
- 61% empower a staff member to approve routine applications
- Reciprocity
 - 41% of boards have informal policies to expedite out of state applications
- ND belongs to six Interstate Compacts

2020 Survey

- Same day to 6 months
- Average was 18 days; median was 7 days

2022 Survey

- Same day – 7 responses
- One week or less – 10 responses
- Two to four weeks – 2 responses
- One month – 3 responses
- More than one month – 2 responses
- Longest application process – 3 days to 1 year

LICENSURE FOR MILITARY MEMBERS & SPOUSES

- Military Spouse Applicants – 108
- Military Member Applicants – 89

BARRIERS AND OPPORTUNITIES

- A few boards cite inability for ND BCI to accept electronic fingerprints and forms from out of state applicants
- Some boards issue provisional license while background check & application is pending
- Electronic processes are expediting application approval

GEOGRAPHIC MOBILITY: COMMON TERMS

- Interstate Compact
Statutory enacted agreement among states allowing licensees to practice across state lines.
- Tailored to a particular profession and allow licensees to engage in interstate practice in all compact member states.
- 43 state, 2 U.S. territories, & DC have enacted at least 1 interstate licensing compact.

Common Terms

Reciprocity

- Instantaneous recognition of another state's license
- Requires a written agreement with other states to accept each other's licenses without further review by the board
- True reciprocity is narrow in scope
- Six ND licensing boards have formal reciprocity agreements

Universal License Recognition (ULR)

- Single state law that establishes its unique process to grant a license by endorsement to a license holder from another state or territory.
- ULR laws attempt to account for most or all professions a state regulates, but only with regard to practice within the state's borders.
- ULR may still require an application process and allow for some discretion by licensing boards in license decisions
- 18 states have implemented ULR policies
- Many states require individuals to establish residence in the state before obtaining a license through ULR

WDC RECOMMENDATIONS – 13 RECOMMENDATIONS were reported last legislative session, that included **4 occupational licensing recommendations**:

1. Remove vague or generic terms such as “moral turpitude” and “good character.”
2. Establish and make public criminal convictions that will disqualify an applicant from obtaining a license.
3. Establish an ongoing system for data collection
4. Define who qualifies as a military spouse or dependent, including military personnel under provisions of military spouse reciprocity bill.

RECAP OF LICENSURE BILLS IN 2023 LEGISLATIVE SESSION

SB 2184 – Senator Lee bill – Relating to uniform regulation of occupations and professions – Failed

SB 2187 – Relating to adoption of the counseling compact – Passed

SB 2203 – Relating to the licensure of social workers. – Failed

- The bill was moved to another bill to allow social workers to become licensed without passing the national social work exam. – **Passed**

SB 2205 – Relating to the efficiency of administration of occupational boards to provide for a report to the legislative management and to provide an effective date.

**SB 2249 – Relating to the efficiency of administration of occupational boards to provide for a report to the legislative management and to provide an effective date.
- Passed**

HB 1372 – Relating to occupational and professional licensing of foreign practitioners who residents of the state – Failed

SB 2249

Labor Commissioner Nathan Svihovec

- Working on engagement with every board, conducting questionnaires and conducting Q&A sessions.
- Issued December 1, 2023 with questions relating to board structure, application process, licensure recognition, continuing education, and open answer questions.
- Expecting 100 percent response rate from questionnaires sent out to various boards.
- Target date of the last two Phases has shifted to early October.
- Spent a little over \$10,000 so far.
- Summary data received will be put in a one-page document broken down by board.
- ULR legislation has passed in these states - AZ, CO, ID, IO, KS, MS, MO, MT, NV, NH, NJ, NM, OH, OK, PA, SD, UT, VT, VA, WY

Nathan will be brought back to visit with the group regarding the results received from the boards.

NATIONAL TRENDS & INTERSTATE COMPACTS OVERVIEW

Dan Logsdon

- Serves as a technical assistance center in The Council of State Governments.
- Provides compact education, development, and administration services.
- Worth with professional membership organizations, legislators, regulators, administrators.

What are Interstate Compacts?

Legislatively enacted agreement among states, that cooperatively addresses shared problems.

COMPACTS AND LICENSURE

Respond to states desire in recent years to:

- Reduce the social costs of licensure
- Safeguard health and safety
- Improve licensure portability
- Preserve state authority and negate the need for federal intervention
- Developed through a collaborative and transparent process
- Establish uniform standards for participating states and licensees
- Create a licensure data system

Organized Licensure Compacts in ND so far:

Emergency Medical Services Personnel	
Nurses	Physical Therapist
Psychologists	Physicians

DEPARTMENT OF DEFENSE
Major Jay Sheldon

Major Jay Sheldon talked about a webpage source <https://statepolicy.militaryonesource.mil/> that gave information relating to compacts that the DOD is tracking along with economic opportunities.

Compacts to add:

Behavioral Health

Social Work

School Psychologists

Teachers

- Additional courses that teachers need to take to be licensed in ND

Massage Therapy

Cosmetology

To enact the compacts in ND, board and association engagement needs to happen.

To become the most military friendly state in the nation, concerted efforts with the Task Force Mind, working groups of Military Friendliness, and Military Caucus that will help to support numerous issues with the compacts, licensure reform and military benefits.

OTHER

Senator Lee commented that the Audiology Board is separate from the licensing of individuals who can prescribe hearing devices.

Challenges with this:

- Additional training and testing needs to be completed by the audiologists.
- Senator Lee is working to collaborate with the individuals who prescribe the hearing devices and the audiologists to undo duplicate testing.

NEXT STEPS
Katie Ralston Howe

- Timeline
 - Finalize 2-3 recommendations by late July
- Survey
 - Late Spring to all boards
 - New approach
- Meeting cadence
 - Every other week

Doodle Poll will be sent by Sherri to adjust the next meeting times for Tuesday biweekly meetings.

ADJOURN

Meeting adjourned at 2:30 p.m.