

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1166

Introduced by

Representatives Toman, Christensen, Louser

Senator O. Larsen

1 A BILL for an Act to create and enact sections 43-51-12.1 and 43-51-12.2 of the North Dakota  
2 Century Code, relating to occupational licensing of foreign practitioners who are residents of the  
3 state; to amend and reenact subsection 3 of section 15.1-13-17 and sections 15.1-13-17.1 and  
4 15.1-18-12 of the North Dakota Century Code, relating to occupational licensing of teachers;  
5 and to provide for a report to the legislative management.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-13-17 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 3. The board shall grant a teaching license to an applicant who is a military spouse or a  
10 foreign practitioner who is a resident of the state who meets the requirements of  
11 section 43-51-11.1 or 43-51-12.1.

12 **SECTION 2. AMENDMENT.** Section 15.1-13-17.1 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15.1-13-17.1. ~~Members of the military~~Military members - Military spouses - Foreign**  
15 **practitioners who are state residents.**

16 1. Notwithstanding contrary provisions of this chapter regarding licensure and licensure  
17 renewal, sections 43-51-11 ~~and~~, 43-51-11.1, 43-51-12.1, and 43-51-12.2 regarding  
18 licensure renewal of a military member and licensure of a military spouse or a foreign  
19 practitioner who is a resident of the state, apply to a license issued or renewed under  
20 this chapter.

21 2. Rules adopted by the board under this chapter must comply with sections 43-51-11  
22 ~~and~~, 43-51-11.1, 43-51-11.2, 43-51-12.1, and 43-51-12.2.

23 **SECTION 3. AMENDMENT.** Section 15.1-18-12 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1       **15.1-18-12. Military spouses - Foreign practitioners who are state residents.**

2       Notwithstanding contrary provisions of this chapter regarding licensure qualifications,  
3 ~~section~~sections 43-51-11.1 and 43-51-12.1, regarding licensure of a military spouse or a foreign  
4 practitioner who is a resident of the state, applies~~apply~~ to an applicant's qualifications for  
5 licensure.

6       **SECTION 4.** Section 43-51-12.1 of the North Dakota Century Code is created and enacted  
7 as follows:

8       **43-51-12.1. Foreign practitioners who are state residents - Licensure.**

- 9       1. This section applies to an applicant who is a foreign practitioner who is a resident of  
10 the state.
- 11       2. A board shall adopt rules regarding licensure of an applicant or shall grant on a  
12 case-by-case basis exceptions to the board's licensing standards to allow an applicant  
13 to practice the occupation or profession in the state if upon application to the board:
- 14       a. The applicant demonstrates competency in the occupation or profession through  
15 methods or standards determined by the board which must include experience in  
16 the occupation or profession for at least two of the four years preceding the date  
17 of application under this section; and
- 18       b. The board determines the issuance of the license will not substantially increase  
19 the risk of harm to the public. A board with authority to require an applicant to  
20 submit to a statewide and national criminal history record check under  
21 section 12-60-24 may order a record check under this subdivision.
- 22       3. A board shall issue a provisional license or temporary permit to an applicant for which  
23 the licensure requirements under subsection 2 have been substantially met. A  
24 provisional license or temporary permit issued under this subsection may not exceed  
25 two years and remains valid while the applicant is making progress toward satisfying  
26 the unmet licensure requirements. An applicant may practice under a provisional  
27 license or temporary permit issued under this subsection until any of the following  
28 occurs:
- 29       a. The board grants or denies the applicant a North Dakota license under  
30 subsection 2 or grants a North Dakota license under the traditional licensure  
31 method;

- 1           b. The provisional license or temporary permit expires;
- 2           c. The applicant fails to comply with the terms of the provisional license or
- 3                 temporary permit; or
- 4           d. The board revokes the provisional license or temporary permit based on a
- 5                 determination revocation is necessary to protect the health and safety of the
- 6                 residents of the state.
- 7       4. A board that may elect to subject the board to this chapter under subsection 1 of
- 8                 section 43-51-01 may issue a license, provisional license, or temporary permit to an
- 9                 applicant in the same manner as provided under subsections 2 and 3 regardless of
- 10                whether the board has adopted rules to subject the board to this chapter.
- 11       5. An individual issued a license under this section has the same rights and duties as a
- 12                 licensee issued a license under the traditional licensure method.
- 13       6. If within thirty days of receipt of a completed application under subsection 2 the board
- 14                 does not grant or deny a license under subsection 2 or does not issue a provisional
- 15                 license or temporary permit under subsection 3, the board automatically shall issue a
- 16                 provisional license or temporary permit. A provisional license or temporary permit
- 17                 issued under this subsection remains valid until the board grants or denies the
- 18                 application for licensure under subsection 2 or issues a provisional license or
- 19                 temporary permit under subsection 3.
- 20       7. For purposes of this section, the term "board" includes the state board of accountancy,
- 21                 state electrical board, North Dakota real estate appraiser qualifications and ethics
- 22                 board, state real estate commission, secretary of state with respect to contractor
- 23                 licensing, and state board of dental examiners.

24       **SECTION 5.** Section 43-51-12.2 of the North Dakota Century Code is created and enacted  
25 as follows:

26       **43-51-12.2. Foreign practitioners who are state residents - Licensure applications.**

- 27       1. On each licensure application and renewal form, a board shall inquire and maintain a
- 28                 record of whether an applicant or licensee is a foreign practitioner who is a resident of
- 29                 the state. If an applicant self-identifies as and provides the board with satisfactory
- 30                 proof of being a foreign practitioner who is a resident of the state, the board

1 immediately shall commence the process to issue a license, provisional license, or  
2 temporary permit under section 43-51-12.1.

3 2. For purposes of this section, the term "board" includes the state board of accountancy,  
4 state electrical board, North Dakota real estate appraiser qualifications and ethics  
5 board, state real estate commission, secretary of state with respect to contractor  
6 licensing, and state board of dental examiners.

7 **SECTION 6. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE**

8 **MANAGEMENT.** During the 2021-22 interim, each occupational and professional board shall  
9 review its licensure laws and rules to determine whether the laws and rules are consistent with  
10 sections 43-51-12.1 and 43-51-12.2. Before August 2022, each occupational and professional  
11 board shall submit a report to the legislative management on the status and outcome of that  
12 board's review of its laws and rules. Each board shall prepare and request introduction of a bill  
13 to the sixty-eighth legislative assembly to make the board's laws consistent with sections  
14 43-51-12.1 and 43-51-12.2.