

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1166

Page 2, line 14, remove "The applicant demonstrates competency in the occupation or profession through"

Page 2, replace lines 15 through 17 with "The applicant currently is licensed or certified in at least one other state in the discipline applied for and at the same practice level as determined by the board and the license or certification is in good standing in all states in which the person holds a license or certification;"

Page 2, line 18, remove "The board determines the issuance of the license will not substantially increase"

Page 2, replace lines 19 through 21 with "When the applicant was licensed or certified by another state in which there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies the applicant met those requirements to be licensed or certified in that state;

- c. The applicant previously passed an examination required for the license or certification if required by the other state;
- d. The applicant 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;
- e. The applicant has not had discipline imposed by any other regulating entity. If another jurisdiction has taken disciplinary action against the applicant, the board 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 board may not issue or deny a license until the matter is resolved;
- f. The applicant does not have a complaint, allegation, or investigation pending before another regulating entity in another state or country which relates to unprofessional conduct. If an applicant has any complaints, allegations, or investigations pending, the board shall suspend the application process and may not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved;
- g. The applicant pays all applicable fees; and
- h. The applicant does not have a disqualifying criminal history as determined by the board."

Page 3, line 20, after "7." insert "A board that participates in an interstate licensure compact or a licensure agreement with another state or which is subject to federal oversight or regulation is not required to comply with this section.

8."

Page 4, line 3, after "2." insert "A board that participates in an interstate licensure compact or a licensure agreement with another state or which is subject to federal oversight or regulation is not required to comply with this section.

3."

Renumber accordingly

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 ~~sections~~ 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~~ The applicant currently is licensed or  
18 certified in at least one other state in the discipline applied for and at the same  
19 practice level as determined by the board and the license or certification is in  
20 good standing in all states in which the person holds a license or certification;
- 21       b. ~~The board determines the issuance of the license will not substantially increase~~  
22 ~~the risk of harm to the public. A board with authority to require an applicant to~~  
23 ~~submit to a statewide and national criminal history record check under~~  
24 ~~section 12-60-24 may order a record check under this subdivision.~~ When the  
25 applicant was licensed or certified by another state in which there were minimum  
26 education requirements and, if applicable, work experience and clinical  
27 supervision requirements in effect and the other state verifies the applicant met  
28 those requirements to be licensed or certified in that state;
- 29       c. The applicant previously passed an examination required for the license or  
30 certification if required by the other state;

1 d. The applicant has not had a license or certificate revoked and has not voluntarily  
2 surrendered a license or certificate in any other state or country while under  
3 investigation for unprofessional conduct;

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

9 f. The applicant does not have a complaint, allegation, or investigation pending  
10 before another regulating entity in another state or country which relates to  
11 unprofessional conduct. If an applicant has any complaints, allegations, or  
12 investigations pending, the board shall suspend the application process and may  
13 not issue or deny a license to the applicant until the complaint, allegation, or  
14 investigation is resolved;

15 g. The applicant pays all applicable fees; and

16 h. The applicant does not have a disqualifying criminal history as determined by the  
17 board.

18 3. A board shall issue a provisional license or temporary permit to an applicant for which  
19 the licensure requirements under subsection 2 have been substantially met. A  
20 provisional license or temporary permit issued under this subsection may not exceed  
21 two years and remains valid while the applicant is making progress toward satisfying  
22 the unmet licensure requirements. An applicant may practice under a provisional  
23 license or temporary permit issued under this subsection until any of the following  
24 occurs:

25 a. The board grants or denies the applicant a North Dakota license under  
26 subsection 2 or grants a North Dakota license under the traditional licensure  
27 method;

28 b. The provisional license or temporary permit expires;

29 c. The applicant fails to comply with the terms of the provisional license or  
30 temporary permit; or

- 1           d. The board revokes the provisional license or temporary permit based on a  
2           determination revocation is necessary to protect the health and safety of the  
3           residents of the state.
- 4           4. A board that may elect to subject the board to this chapter under subsection 1 of  
5           section 43-51-01 may issue a license, provisional license, or temporary permit to an  
6           applicant in the same manner as provided under subsections 2 and 3 regardless of  
7           whether the board has adopted rules to subject the board to this chapter.
- 8           5. An individual issued a license under this section has the same rights and duties as a  
9           licensee issued a license under the traditional licensure method.
- 10          6. If within thirty days of receipt of a completed application under subsection 2 the board  
11          does not grant or deny a license under subsection 2 or does not issue a provisional  
12          license or temporary permit under subsection 3, the board automatically shall issue a  
13          provisional license or temporary permit. A provisional license or temporary permit  
14          issued under this subsection remains valid until the board grants or denies the  
15          application for licensure under subsection 2 or issues a provisional license or  
16          temporary permit under subsection 3.
- 17          7. A board that participates in an interstate licensure compact or a licensure agreement  
18          with another state or which is subject to federal oversight or regulation is not required  
19          to comply with this section.
- 20          8. 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. A board that participates in an interstate licensure compact or a licensure agreement  
4 with another state or which is subject to federal oversight or regulation is not required  
5 to comply with this section.

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

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

11 **MANAGEMENT.** During the 2021-22 interim, each occupational and professional board shall  
12 review its licensure laws and rules to determine whether the laws and rules are consistent with  
13 sections 43-51-12.1 and 43-51-12.2. Before August 2022, each occupational and professional  
14 board shall submit a report to the legislative management on the status and outcome of that  
15 board's review of its laws and rules. Each board shall prepare and request introduction of a bill  
16 to the sixty-eighth legislative assembly to make the board's laws consistent with sections  
17 43-51-12.1 and 43-51-12.2.