

2023 SENATE WORKFORCE DEVELOPMENT

SB 2249

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2249
2/10/2023

Relating to the centralization of administration of occupational boards; to provide for a report to the legislative management; and to provide an effective date.

9:00 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- Licensing boards
- Continuing education
- Board administration
- Software
- Labor Commissioner

9:02 AM **Senator David Hogue** introduced SB 2249 in favor #20417, proposed an amendment 23.0436.01001 #20464 and provided additional information #20465.

9:29 AM **Mark Hardy, Executive Director, North Dakota Board of Pharmacy** testimony in opposition #20414

9:37 AM **Sandra DePountis, Executive Director, North Dakota Board of Medicine** testimony in opposition #20408

9:42 AM **Dr. Stacey Pfenning, Executive Director, North Dakota Board of Nursing** testimony in opposition #19866

9:48 AM **Kyle Martin, Associate Director, Operations, North Dakota Board of Nursing** testimony in opposition #19938

9:43 AM **James Schmidt, Executive Director, North Dakota State Electrical Board** testimony in opposition #20395

10:00 AM **Scott Porsborg, Member, North Dakota Board of Law Examiners** testimony in opposition #20364

10:04 AM **Nathan Svihovec, Labor Commissioner, Department of Labor and Human Rights**, online testimony neutral #20438

Additional written testimony:

Patrick Kautzman, President, North Dakota State Board of Accountancy in opposition #20301

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Sherre Sattler, Executive Director, North Dakota CPA Society in opposition #20320

Rebecca Pitkin, Executive Director, Education Standards and Practices Board in opposition #20380

Dr. Tara Brandner, Legislative Liaison, North Dakota Nurse Practitioner Association in opposition #20431

Kayley Peterson in opposition #20445

10:11 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2249
2/16/2023

Relating to the centralization of administration of occupational boards; to provide for a report to the legislative management; and to provide an effective date.

4:27 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** were present.

Discussion Topics:

- Third party
- Board study
- Labor Commissioner duties

4:38 PM **James Schmidt, Executive Director, North Dakota State Electrical Board** testified in opposition. #21033

4:40 PM **Mark Hardy, Executive Director ND Board of Pharmacy**, verbally provided information.

4:44 PM **Maureen Bentz, Associate Director for Practice, ND Board of Nursing** provided information verbal

4:45 PM **Kyle Martin, Associate Director Operations, ND Board of Nursing**, verbally provided information.

4:47 PM **Nathan Svihovec, Labor Commissioner, Department of Labor and Human Rights**, verbally provided information.

4:55 PM **Senator Sickler** moved to adopt and revise amendment 23.0436.01001 to change the effective date on section three to 2023 #20464 and change the timeline from 72 hours to three business days.

4:56 PM **Senator Larson** seconded.

4:57 PM Roll call vote.

	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion passed 6-0-0

4:58 PM **Senator Sickler** moved to adopt amendment 23.0436.01001 and re-amendment to LC 23.0436.01002.

4:58 PM **Senator Piepkorn** seconded.

4:58 PM Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion passed 6-0-0.

4:58 PM **Senator Sickler** moved **DO PASS** as **AMENDED**.

4:59 PM **Senator Larson** seconded.

5:00 PM Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	N
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	N

Motion passed 4-2-0.

Senator Sickler will carry SB 2249.

5:01 PM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

YA
2-16-23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2249

Page 1, line 2, replace "centralization" with "efficiency"

Page 1, line 11, replace "administer and provide administrative services" with "gather information regarding the continuing education requirements and the practice of licensing out-of-state practitioners"

Page 1, line 12, after the underscored period insert "The commissioner shall analyze the information to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. As necessary, the commissioner shall prepare and request introduction of legislation to implement this strategy."

Page 1, line 19, remove "centralize administration of the"

Page 1, line 20, remove "boards under the commissioner, to"

Page 1, line 20, replace "licensees" with "practitioners"

Page 1, line 20, remove "seventy-two"

Page 1, line 21, replace "hours" with "three business days"

Page 1, line 21, remove the comma

Page 1, line 22, replace "long-practicing professionals" with "the contributions of employers and the opportunities afforded by evolving technology"

Page 2, line 5, remove "centralization of administration of"

Page 2, line 6, remove "occupational boards under the commissioner,"

Page 2, line 7, replace "licensees" with "practitioners"

Page 2, line 12, replace "2025" with "2023"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2249: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 2, replace "centralization" with "efficiency"

Page 1, line 11, replace "administer and provide administrative services" with "gather information regarding the continuing education requirements and the practice of licensing out-of-state practitioners"

Page 1, line 12, after the underscored period insert "The commissioner shall analyze the information to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. As necessary, the commissioner shall prepare and request introduction of legislation to implement this strategy."

Page 1, line 19, remove "centralize administration of the"

Page 1, line 20, remove "boards under the commissioner, to"

Page 1, line 20, replace "licensees" with "practitioners"

Page 1, line 20, remove "seventy-two"

Page 1, line 21, replace "hours" with "three business days"

Page 1, line 21, remove the comma

Page 1, line 22, replace "long-practicing professionals" with "the contributions of employers and the opportunities afforded by evolving technology"

Page 2, line 5, remove "centralization of administration of"

Page 2, line 6, remove "occupational boards under the commissioner,"

Page 2, line 7, replace "licensees" with "practitioners"

Page 2, line 12, replace "2025" with "2023"

Renumber accordingly

2023 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2249

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2249
3/20/2023

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

Chairman Louser called meeting to order 11:20 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- Workforce management

In Favor:

Nathan Svihovec, Commissioner, ND Department of Labor and Human Rights, #24665

Opposed:

Mark Hardy, Executive Director, State Board of Pharmacy, #25796
Sandra DePountis, Executive Director, ND Board of Medicine, #24554
Petra Mandigo Hulm, Secretary/Treasurer, State Board of Law Examiners, Clerk of Supreme Court, Secretary of the Disciplinary Board for Lawyers, #25805
James Schmidt, Executive Director, ND State Electrical Board, #24764

Neutral:

Katie Ralston Howe, Director, Workforce Development Division, ND Commerce Department, #24849

Additional written testimony:

Senator David Hogue, District 38, Minot, ND, #24582
Maureen Bentz, ND Board of Nursing, #25740
Dr. Stacy Pfenning, Executive Director, ND Board of Nursing, #24430

Chairman Louser adjourned the meeting 11:57 PM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

SB 2249
3/21/2023

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

Chairman Louser called meeting to order 3:02 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- Workforce
- Analyze information
- Continuing Education

Senator David Hogue, District 38, Minot ND, #26428

Chairman Louser adjourned the meeting 3:55 PM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2249
3/28/2023

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

Chairman Louser called meeting to order 2:39 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- Emergency clause
- Bookmarks

Representative Koppelman moved to amend by adding an emergency clause.
Representative Ostlie seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	AB
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 13-0-1

Representative Tveit moved a do pass as amended.
Motion fails for lack of a second.

Representative Koppelman moved to further amend, #27001, LC #23.0436.02001
Representative Thomas seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	N
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	N
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-3-0

Representative Tveit moved a do pass as amended.

Representative Ruby seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	N
Representative Josh Christy	N
Representative Hamida Dakane	N
Representative Jorin Johnson	N
Representative Jim Kasper	N
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 8-6-0

Representative Tveit will carry the bill.

Chairman Louser adjourned the meeting 3:08 PM

Diane Lillis, Committee Clerk

March 28, 2023

AG
3-28-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

Page 1, line 3, remove "and"

Page 1, line 3, after "date" insert "; and to declare an emergency"

Page 1, line 16, replace "shall prepare and request" with "may recommend"

Page 2, line 7, replace "shall prepare and request" with "may recommend"

Page 2, after line 10, insert:

"**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2249, as engrossed: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, after "date" insert "; and to declare an emergency"

Page 1, line 16, replace "shall prepare and request" with "may recommend"

Page 2, line 7, replace "shall prepare and request" with "may recommend"

Page 2, after line 10, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

TESTIMONY

SB 2249

SB 2249
Senate Workforce Development Committee
Testimony of
ND Board of Nursing

Chairman Wobbema and members of the Committee. I am Dr. Stacey Pfenning, Executive Director of the North Dakota Board of Nursing (“Board”).

I am here to provide testimony opposing **SB 2249, a bill to centralize administration of occupational boards**, as this bill would greatly disrupt and impede nurse licensure and in turn negatively impact the already critical nursing workforce in ND.

The Board was established in 1915 and codified in the Nurse Practices Act (N.D.C.C. 43-12.1) and Administrative Code Title 54 which contains six articles with over thirty-five chapters. As an independent state agency, the Board does not utilize state appropriations but functions within the nurse licensure fee structure set forth in the Administrative Code. North Dakota nurse licensure fees remain in alignment with other nurse licensure fees across the nation.

The Board employs a team of eleven highly efficient administrative personnel to conduct daily operations and core functions. This team includes a unique blend of professional nurses and skilled nurse licensing specialists with over 200 years of collective experience in nursing, licensing, and regulation. These experts ensure timely and proper processing of complex license applications and manage highly confidential and complicated documents including Criminal History Record Check (CHRC) reports in accordance with FBI mandates.

Currently there are over 21,000 active licensees and registrants with over 77,000 in the database. Operations of the Board occur within four divisions which comprise of licensure/registration, education, compliance, and practice for all Licensed Practice Nurses, Registered Nurses, Advanced Practice Registered Nurses, and Unlicensed Assistive Persons and technicians. The Board utilizes real-time technology to provide daily processing of applications which occurs within 1-3 business days from receipt of completed applications. The Board works with BCI to process Criminal History Record Checks (CHRC) on applicants and utilizes a temporary permit to allow work during the state’s completion of the mandated CHRC.

The Board’s enduring legacy of innovation began over one hundred years ago and continues to define the important work being done. With an eye toward public protection and right touch regulation, the Board continues to be a leader in regulatory excellence making significant and lasting contributions to nursing.

The changes proposed in SB 2249 would disrupt the core processes of the Board, potentially contributing to delays in licensure and regulatory actions which could be a direct threat to patient safety and patient care in ND. Therefore, **the ND Board of Nursing requests to be exempt or removed from this bill.**

Thank you for the opportunity to share the Board’s concerns. At this time, I would like to ask Kyle Martin, the Board’s Associate Director for Operations, to complete this testimony.

SB 2249
Senate Workforce Development Committee
Testimony of
ND Board of Nursing

Dr. Stacey Pfenning DNP APRN FNP FAANP
Executive Director, NDBON
701-527-6761
spfенning@ndbon.org

(Committee members: Sen. Michael Wobbema, Chairman, Sen. Michelle Axtman, Vice Chairwoman, Sen. Diane Larson, Sen. Merrill Piepkorn, Sen. Jonathan Sickler.)

Bill introduced by **Sen. Hogue, Larsen, Vedaa**, Representatives **Nathe**, Senator **Roers** (Chair State and Local Government Committee), Jones, Vetter.

SB 2249
Senate Workforce Development Committee
Testimony of
ND Board of Nursing

Members of the Senate Workforce Committee. My name is Kyle Martin, Associate Director for Operations at the NDBON. This testimony has been prepared in opposition to SB 2249. Please consider the following key operational considerations and the need for the Board of Nursing to continue using its own designated administrative support team and technology to maintain core operations to ensure safe and timely licensing of nursing professionals across North Dakota:

- This legislative session, the NDBON has proposed a framework for an Alternative to Discipline Program for nurses. However, the proposed program structure would not be possible under a model in which an alternative agency would administer the program and would require outsourcing, at an estimated cost of \$250,000 annually.
- The Board issues 90-day temporary permits that can be issued within one to two business days (an exception, not norm in the United States). There are currently 118 nurses working on temporary permits in the state. Full licensure can occur within one to two days of receiving all licensure requirements.
- The licensure process can be complex, but the Board's highly trained licensing specialists work closely with applicants to assure timely completion of applications. The team is trained to review applications and their supporting documents to safeguard against fraud and to provide expedited, accurate processing. Each application is reviewed by a director and licensing specialists throughout the process.
- Training a new NDBON team member to become competent in licensing takes on average 12-18 months.
- In FY 21-22, the Board licensing team processed 9,454 renewal applications, 1,964 initial (new) LPN/RN licenses, 399 initial APRN licenses, 243 initial UAP applications, and completed 2,828 criminal history record checks.
- The Board utilizes a unique software solution since 2014 to power its website and database to meet its complex licensure needs. To date, the database houses 77,032 unique records which are shared with NCSBN's national database for cross-data and licensure collaboration. This platform has been tailored with unique algorithms to prompt users with specific questions based on their unique licensing circumstances to determine licensure eligibility.
- The North Dakota Board of Nursing utilizes private-sector vendors to provide information technology, network security and telecommunication services. Previously, the Board utilized NDIT for telecommunication support. In one outage instance, our office was told

SB 2249
Senate Workforce Development Committee
Testimony of
ND Board of Nursing

by NDIT the problem could not be worked on for 14 days. Our current vendors can provide outage service in less than one-hour.

Other important considerations related to the important work done by the NDBON locally and nationally:

- The NDBON has repeatedly demonstrated leadership and commitment to public safety, including active involvement and collaborations with state and national initiatives including, the ND tri-regulator collaborative with the Board of Medicine and Board of Pharmacy, the Prescription Drug Monitoring Program Advisory Council, the Governors Workforce Shortage Taskforce and Opioid State of Emergency, the ND Hospital Association Workforce taskforce.
- The NDBON was honored to receive the National Council of State Boards of Nursing (NCSBN) Regulatory Achievement Award in both 2013 and 2022. The designation is awarded annually to one of 57 boards nationally for significant and outstanding contributions in nursing regulation.
- The Board participates in the National Council for State Boards of Nursing (NCSBN) and is a member of the 39 state Nurse Licensure Compact (NLC). The NLC allows nurses who hold a multistate license to practice in other compact states. NDBON staff are trained on how/when to issue compact licenses and how to use NCSBN's cross-collaborative online tools that play a critical role in day-to-day licensing.
- The compliance division investigates potential violation reports (PVRs) or complaints against nurses to assure public safety. The average time from complaint to resolution is only 40-43 days. The division received 229 PVRs in FY 21-22 and typically has 25-35 open investigations at any time.
- The practice division works closely with organizations and individuals to assure that nurses are practicing within their scope of practice, provides education and also works with nurses who self-report criminal offenses, substance use disorders, and mental health or physical disorders to assure they are completing court ordered or healthcare professional requirements.



Board of Accountancy

February 9, 2023

Senator Wobbema
State of North Dakota
State Capitol
600 East Boulevard Ave
Bismark, ND 58505

Dear Chairman Wobbema and members of the Workforce Development Committee:

On behalf of the North Dakota State Board of Accountancy, we appreciate the opportunity to comment on Senate Bill 2249 which aims to streamline administrative processes and ensure efficiency within state government. **The North Dakota State Board of Accountancy opposes SB 2249.**

We are concerned that the administration of CPE monitoring, licensing, peer review, and discipline of current licensees within the State of North Dakota will be undermined by this bill. In coming to a decision in North Dakota, it is important to keep in mind the CPA profession is unique in its accountability to third parties. Because individuals, businesses, and governments (federal, state and local) all depend upon rigorous and reliable audited financial information in order to make sound investing, financial planning, and lending decisions, in compliance with applicable federal state and local laws – and because the body of knowledge used by CPAs is so highly technical and comprehensive, as are the accountancy statutes and regulations that govern them – enforcement cases require Board staff and members who possess a significant level of education, up-to-date professional knowledge, and experience. The impartial, professional, and technical knowledge that the North Dakota State Board of Accountancy members have contributed to the protection of the citizens of North Dakota could not be afforded through any other combined agency.

The North Dakota State Board of Accountancy is pleased to assist you and your staff as this bill is considered. Please contact me if you have any questions.

Patrick Kautzman
President
North Dakota State Board of Accountancy
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3100 S Columbia Road Ste 500
 Grand Forks, ND 58201

February 8, 2023

Senator Wobbema
 State of North Dakota
 State Capitol
 600 East Boulevard Ave
 Bismarck, ND 58505

Dear Chairman Wobbema and members of the Workforce Development Committee:

On behalf of the North Dakota CPA Society, we appreciate the opportunity to comment on Senate Bill 2249 relating to the centralization of administration of occupational boards. **The North Dakota CPA Society opposes SB 2249.**

The North Dakota CPA Society is the statewide association of certified public accountants. Established in 1929, the Society has nearly 1,700 members, consisting of CPAs and students planning to become CPAs. Its mission is to inspire, empower and support its members through the promotion, advocacy, connections, and knowledge.

The North Dakota CPA Society supports the mission of the North Dakota State Board of Accountancy (the Board) to protect the public by setting regulatory requirements associated with obtaining a license to practice public accountancy. A critical way the Board accomplishes this is by ensuring that candidates meet the education, examination, and experience requirements for licensure before being granted a license. The Board also renews an individual's license after determining they have completed the required hours of continuing professional education that ensures a high standard of knowledge. Additionally, the Board licenses CPA firms that have met certain requirements including undergoing a peer review for attest services to ensure the firm complies with technical standards and quality control. In conjunction with these protective measures, the Board investigates complaints from the public about the performance, either technical or ethical, of an individual CPA or CPA firm that may result in penalties such as the suspension or revocation of a license or civil penalties.

Nationally, state boards of accountancy have faced a variety of challenges to their operation including reorganization. In December 2010, Washington State considered merging its accountancy board with a larger department, but first sought an independent feasibility study. The study found "no significant reasons to warrant a merger" due to the accountancy board's role "to promote the dependability of financial information and to protect the public interest."¹ This conclusion supported findings contained in a 2008 U.S. Department of Treasury report. The report warned that "a number of state boards are underfunded and lack the wherewithal to incur the cost of investigations leading to enforcement."² The regulation of the practice of public accountancy at the state level is uniquely efficient and procompetitive. At a time when North Dakota is taking steps to create a leaner, more effective government, we urge policymakers to approach the process so as not to diminish the trustworthiness and reliability needed to support the regulation of financial markets. Confidence in professional

¹ See "Merger Report," December 2010, Zwilling Greek Zwilling & Knecht, www.cpaboard.wa.gov/Home/Wboa_News/RFP_No1_alert.shtml

² See "ACAP Report," October 2008, U.S. Department of Treasury, www.treasury.gov/about/organizational-structure/offices/Documents/final-report.pdf (see pages VII:7-VII:8 of that report)

financial services positively impacts the economy and is in the public interest. The North Dakota State Board of Accountancy is committed to the protection of the public and its direct accountability to the public should be preserved so both the perception and reality of independent, professional oversight remains.

A few points to consider:

- Centralized boards may work for licensees that have similar requirements and similar public trust exposure. Professional licenses are very different.
- Professional licenses require internal staff who understand the profession at a deeper level than just the license process. There are many moving parts to CPA licensure, and it is important that it is managed with proper oversight and knowledge.
- The biggest item that separates a CPA from other accounting professionals is the ability to provide attest services. With a centralized board, monitoring the regulations of attest (firm registration, peer review, federal oversight, etc) is less likely to happen.
- Anna Durst is the CEO of the Nevada Society of CPAs. The NV Society administers peer review for 6 different states. In her experience, those with a centralized board do not monitor or discipline CPAs/Firms who are failing in their attest services until an outside agency prompts for action. For example, a dedicated Board of Accountancy will proactively monitor the requirements of a CPA who provides audit services to a client. They will remind the CPA that it is time for a peer review. They will follow up if peer review is not performed by the due date. They will monitor a CPA who receives consecutive non-pass peer review reports. They will ask for remediation by the CPA to improve their service quality. All these actions help to ensure that audits can be relied upon by stakeholders and the public. This is a vital component of CPA services and of the public trust of financial reports. Centralized boards rarely perform these actions. They wait until a peer review administrator, a federal agency, or client notifies them of misconduct or poor services. The ability to catch the issues before they become a major failure helps all involved in the process.
- Centralized boards tend to silo the functions where one person/team checks an application for various licenses, one accepts payments, one confirms various compliance issues, etc. However, all functions must coordinate together with regards to a CPA license (as well as other professional licenses) because the requirements are not independent of each other. Failure in one area immediately impacts the other areas.

The North Dakota CPA Society is pleased to assist you and your staff as these bills are considered. Please contact me at ssattler@ndcpas.org should you have any questions.

Sincerely,

Sherre Sattler
Executive Director
North Dakota CPA Society

WORKFORCE DEVELOPMENT COMMITTEE

February 10, 2023

Testimony of the State Board of Law Examiners
SENATE BILL NO. 2249

Chair Wobbema and members of the Committee, I am Scott Porsborg, member of the State Board of Law Examiners, appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2249.

The understood goal of this legislation is to encourage workforce development and remove barriers to licensing of those already licensed out-of-state. The State Board of Law Examiners opposes the bill and requests to be exempted or removed from this bill.

Under NDCC Chapters 27-11, 13 and 14, as well as Article VI, Section 3 of the North Dakota Constitution, the power to regulate the admission of attorneys with the Supreme Court, which acts on the recommendation of the State Board of Law Examiners. We believe this task should be left to the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch and / or the Executive Branch.

As was recognized when these statutes and constitutional provisions were enacted, the practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people. Because of that vital interest, these responsibilities are taken very seriously by the Court and the Board to protect the public. Background checks and investigation are a necessary part of that responsibility. It would be impossible for these functions to be performed and a license issued within 72 hours, as is proposed in the study recommended in SB 2249.

North Dakota is known nationally in the attorney admission and licensing area as being progressive in removing unnecessary barriers for people to apply and become admitted and licensed to practice law, while still maintaining protection of the public.

The Board renewed more than 3,000 licenses in 2022 and admitted 125 new attorneys in 2022. The complex decisions involved with examinations and licensing involve specialized administrative expertise, the Americans with Disabilities Act, accommodation decisions and best practices to protect the public.

Centralization of administration of occupational boards under the labor commissioner would disrupt professions and boards, which have the necessary technical training and expertise to accomplish their role. With respect to the Board, there are multiple conferences and training sessions annually on a national level for examination and admission experts. The staff and board members attend many, if not all, of the offered national education as well as other remote education.

The Board employs highly efficient administrative personnel to conduct daily operations and core functions. The Clerk of the Supreme Court oversees operations along with three board members who initially decide on admission.

Currently, the National Conference of Bar Examiners (NCBE) conducts investigations for North Dakota. These investigations take four to six months and that time is not within our local control. It may take less time for someone who was recently admitted in a State also using NCBE for the background check. However, North Dakota offers a temporary license to attorneys whom are licensed in another state and whom have an application pending. That temporary license is usually issued within days.

This legislation is unnecessary in light of the understood goal of the legislation – to encourage workforce development and remove barriers to licensing of those already licensed out-of-state. The Board has removed barriers to law students and out-of-state licensed attorneys to practice in North Dakota, in the following ways:

- The Board began giving a nationally uniform multiple-choice exam in 1976. It began using the uniform essay and multiple-choice exam, known today as the UBE, in 1997. In 2011, ND was the second state in the nation to officially adopt the UBE. Presently, 41 jurisdictions have adopted the UBE. The UBE allows for score portability across all of those jurisdictions.
- North Dakota has set the threshold for admission based solely on UBE score at 260 -- the lowest score allowed in the country. Thus, if an applicant takes the UBE in another state, and receives a score of 260 or higher, they may move for admission in ND without taking the bar exam.
- The Court also allows admission by a score related to the multiple-choice portion of the exam – the Multistate Bar Exam. This brings additional portability from jurisdictions that have not adopted the UBE.
- The Court allows practice by law students who have completed two semesters of education and law school graduates prior to admission.
- The Court allows licensing and practice of foreign legal consultants without examination.
- The Court allows practice without examination by volunteers with approved legal services organizations.
- The Court provided for practice following a major disaster such as occurred in 1997 in Grand Forks.
- The Court has provided for Military Spouse Certification.

Unqualified or unscrupulous attorneys can do great damage to individuals and society as a whole. We believe the current licensure process imposes the minimum burden necessary to protect the people of ND from this harm.

Finally, we note that the admission and licensing of attorneys is a confidential process, and pursuant to Court rule and the opinion of the Attorney General, is not subject to open records. Therefore, if this bill should pass as written, the information provided to the Labor Commissioner would be limited in scope so as to not violate that confidentiality.

We respectfully request ask the committee to recommend “do not pass” or exempt or remove the State Board of Law Examiners from this bill.



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Testimony Senate Bill 2249
Senate Workforce Development Committee
Education Standards and Practice Board

Good morning Chairman Wobbema and members of the Committee. I am Rebecca Pitkin, Executive Director of the Education Standards and Practices Board. I am here to testify in opposition to SB 2249, a bill to centralize administration of occupational boards. The current teacher shortage would most likely be increased if this bill passed, removing the administration of teacher license from a staff which is trained in the functions and requirements of the profession with a 10-member practitioner board. In 1995, ESPB became an independent board separate from the Department of Public Instruction (DPI), with responsibility for teacher licensure, teacher education program approval, professional development, and professional practices. As an independent board it carries out its duties funded by the licensure fees from the educators in North Dakota and does not receive state appropriations. ESPB issues over 12,000 teacher licenses each year and there are over 18,000 licensed teachers. Our license system is electronic and houses transcripts and required reeducation credits. Our license processing time is days, and sometimes hours once we receive needed materials and an individual's BCI/FBI background check. Our staff, several of whom were teachers and administrators themselves and understand qualifications, work closely with schools to ensure all employees are appropriately licensed. Our Out of State Educator License (OSEL) process ensures a smooth and timely transition if an applicant has a valid and unencumbered license in another state. Our current 30-year license recognizes long-practicing professional with no additional reeducation credit requirements. ESPB has smooth and time-tested processes for all elements of SB 2249 and satisfaction surveys collected over the past six years indicate applicants are overwhelmingly satisfied with our services. The Education Standards and Practices Board respectfully requests a **DO NOT PASS** on SB 2249. Thank you for allowing me to share the Board's concerns. I am willing to answer any questions relating to my testimony.

Rebecca Pitkin, PhD

rpitkin@nd.gov

Executive Director, ESPB

701.590.1861

TESTIMONY IN OPPOSITION TO SB 2249**PRESENTED BY JAMES SCHMIDT****EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Chairman Wobbema, Members of the Work Force Development Committee:

I am James Schmidt, Executive Director of the North Dakota State Electrical Board (NDSEB) appearing for the board in opposition to Senate Bill 2249. The board firmly believes this bill would disrupt and delay the licensure for electricians and is not necessary for either residents or those wanting to come into North Dakota. Similar bills have been proposed in past sessions, and have been defeated when the facts of what individual occupational and licensing boards do become fully known.

Since its inception in 1917, the NDSEB has licensed electricians, inspected all electrical installations in the state, conducted and monitored continuing education for licensees, supervised apprentice education, and financed its own operations without an appropriation. It has also managed all of the other functions of this bill. We currently have an education advisory committee comprised of professional educators from the electrical trade that monitor all continuing and apprentice education.

We have heard no complaints about the board's licensure process. The board processes over 1,000 applications for licensure each year which are reviewed and processed on a weekly schedule. The board also schedules two days each month for licensing examinations.

Our state currently is a member of the National Electrical Reciprocal Alliance (NERA) which has 19 member states. To be a member of this group the state must have certain minimum licensing requirements. The purpose of our membership in this group is to allow ND electricians to move between states, and allows an extremely streamlined process for electricians seeking to move or practice here. Someone entitled to reciprocity based on holding a license in a NERA state is routinely approved within five days of receipt of their application.

Some states and other jurisdictions do not have licensure or have minimal requirements that make them ineligible for immediate reciprocity. The board also has an expedited path to licensure for these individuals. Individuals with experience in such states and jurisdictions are allowed to temporarily practice and take a placement exam which puts them on the path to full licensure. The board strongly believes its licensure process imposes the minimum burden necessary to protect ND citizens from both life safety concerns and financial harm from unqualified electricians.

The board has also taken significant steps to address future workforce development. With the statutory authority provided by the legislature in SB 2056 in 2019, the board initiated a scholarship program which provides North Dakota student apprentices \$500 per semester to assist with books and tools. Since this program began, scholarships have been provided to 1,280 student apprentice electricians, who are the future of ND's electrical trade.

The board also supports and attends "Market Place for Kids" and other events across the state to enlighten elementary and middle school students about the electrical trade. At these events, we assist these

students in performing interesting hands-on electrical exercises that hopefully will spark a lifelong interest in the trade.

The NDSEB is a specialized board overseeing a technical industry. At its core, the board's concern is safeguarding the residents of ND from electrical hazards and financial harm. It is always on the lookout for more efficient means and methods to streamline its procedures, while also maintaining that core function. We therefore urge a do not pass vote on SB 2249 or exempt/remove North Dakota State Electrical Board from this bill.

We thank the Committee for hearing our concerns.

WORKFORCE DEVELOPMENT COMMITTEE
FEBRUARY 10, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2249

Chair Wobbema, members of the Committee. I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board in opposition to Senate Bill 2249.

While the Board appreciates that there may be licensing Boards who struggle with administrative support services that can provide an efficient and properly functioning support staff, this is not the case for the Board of Medicine. The Board already enjoys the support of an office staff that efficiently processes more than a thousand of these complex applications associated with medical licensure each year, investigates hundreds of complaints each year, appropriately handles sensitive and highly confidential documents, and verifies that the Board is implementing best practices consistent with national standards. The following testimony provides an overview of the administrative functions of the Board of Medicine that outline the need for its own designated office staff.

License Application

It is vital that the physicians and physician assistants licensed in North Dakota are properly vetted to ensure safe health care services are being provided to our citizens. This includes more of an in-depth review and licensure process than many other licenses. Medical boards around the nation employ "credentialing specialists" that are trained to process these applications and can spot inconsistencies and other red

flags that raise concern. It involves more than just receiving a document and checking it off a list of things that need to be submitted, but instead requires a thorough examination of the information/document with knowledge of what it should contain and if something is “off” to follow up with the appropriate authority. The individuals processing these applications need to know what they are looking for which comes with training and experience with working with these applications.

Unfortunately, the North Dakota Board of Medicine, along with other medical boards throughout the nation, are dealing with an uptick in applicants failing to be fully forthright and truthful in their applications, and an era of utilizing fraudulent documentation readily available online. The Board has tried to address this by updating its application with multiple areas, in bold, underlying, etc. letting applicants know that they are responsible for providing truthful and accurate information and that failure to do so will result in delays in licensure, an interview with the board, and possible denial of an application. Despite these warnings, we continually see inaccuracies and failure to fully disclose in applications, which are only caught thanks to the training and expertise of the Board's staff.

Some examples, the Board requires an applicant to list on their application where they have worked within the last ten years. The Board will follow up and contact employers from the last three years for verification on dates of employment and to ask whether any concerns arose during the employment. In a recent example, an applicant said he worked at employment X for the dates Y through Z. In reaching out to the employer, the dates did not match up with the application. In follow up, the Board staff asked the applicant about the discrepancy and if they had other employment during that

time, only to learn that the applicant had such employment but was fired due to errant conduct. It was only with the staff verification that this incident came to light. There are numerous other examples, some even involving failure to disclose arrests/convictions that the applicant believed were removed from their record and therefore did not need to disclose. Since our office staff reviews these documents every day, they are able to spot these inconsistencies or other “red flags.” Without this knowledge and experience, things would get missed and delays would result in issuing licenses.

This past biennium, the office did a thorough review of its policies, procedures, laws, and rules to identify any inefficient processes and came forth with recommendations to the Board to ensure a more streamlined application process. The Board approved numerous updates brought forth by the office including a new electronic format, updates to the IT and database systems, removal of some requirements that were outdated, and detailed policies on when a license requires further evaluation/examination. It is only with a staff that works exclusively in processing these applications that such trends and proposed changes are spotted, tracked, and brought forth to be addressed by the Board.

Currently, licenses are processed efficiently and expeditiously. The office staff has built important relationships with various constituents. We listen to and receive information from the associations, firms, hospitals, school, licensees, and applicants. When a call or email comes through, it is timely addressed and answered by individuals with the knowledge to handle the inquiries. The Board chair and executive director, by law, are able to issue provisional licenses in between board meetings. We work well

with the hospitals and firms and ALL request for an expedited license have been accommodated.

It should be noted that medical licensure applications may be accompanied by various sensitive and confidential information. Depending on the applicant and history, medical records may be submitted regarding malpractice cases, substance use disorder records may be submitted regarding fitness to practice, etc. Parameters need to be put in place that the records are appropriately handled and are only reviewed and disclosed to necessary personnel. It is unclear how this could occur, and whether the federal laws would even allow for sending such records to a separate executive branch state agency with an office administering almost fifty licensing boards.

Finally, the Board obtains criminal history background checks from BCI/FBI as part of the licensure process – which are highly confidential and cannot be shared except directly to the Board of Medicine. It is a class C felony to release any information of the background check (even to say there is nothing on the background check). In checking with BCI, the Department of Labor could not request nor receive the background checks under federal law and N.D.C.C. chap. 12-60. DOL also could not be told anything that is contained in the background check (even to say it is clean). It is therefore unclear how this vital piece of the application process would be received, reviewed, and administered. Would the background checks need to be requested by and sent to a Board member? The office processed over 600 backgrounds last year. That is a lot of backgrounds to be sent off to Board members who are already busy with their profession. The background checks also have to be matched to the application to verify that the applicant properly disclosed all arrests, convictions, etc. If there was not

disclosure, this requires additional follow up with the applicant on why they failed to disclose – and further requirements of getting the necessary support documents (police report, court docket, sentencing report, etc.). This would then need to somehow be reported back to DOL to issue the license without revealing any confidential information. Such a process would be inefficient and delay licensure versus having a designated staff who can process the background checks on behalf of its board.

Disciplinary Process

The Board, on average, receive more than 175 complaints each year. Upon receiving a complaint, an investigation ensues by the office to gather the information necessary for the Board to make an informed decision on whether the licensee is safe to practice or whether disciplinary action should ensue. There is specialized training needed by the individual who conducts these investigations as they can involve highly technical or sensitive areas. How the investigation is conducted, what materials need to be obtained, etc. will depend on the facts of the underlying complaint and therefore requires an individual experienced to perform such investigations. There is also specialized training for sexual abuse allegations cases. This is not a routine administrative service but requires and relies upon the specialized training and knowledge of the investigator.

The Board of Medicine, along with other boards, also have confidentiality provisions regarding the underlying investigations in disciplinary proceedings. Under these provisions, the Board of Medicine cannot share certain information even with other licensing boards. This therefore raises the question on how these investigations and records would be kept separate if everything is handled through one office.

Other Office Functions

It would be futile to attempt to lay out all the functions performed by the Board of Medicine's office. The world of medicine is ever evolving. The office is responsible for keeping apprised of national trends and standards – performing the necessary research to bring various matters before the Board for its review, so Board members are able to implement best practices and make informed decisions. This could be anything from a new tool available to expedite the licensure process to new national policies on physician burnout with recommendations on how to address mental health in order to keep our physicians practicing safely. To keep on top of such things, the staff attends trainings, seminars, conferences, reviews journals, collaborates with other state medical boards, works with the Medical Association and Physician Assistant Association, etc. Without its own dedicated staff providing such information and support to the Board, the North Dakota Board of Medicine risks its ability to maintain best practices consistent with national standards.

Lease

Another consequence of this bill is in regard to how will this affect the lease the NDBOM is under and bound by. Where will the new office space be for the proposed administrative staff and would this require the Board to break its lease, thus needing to use funds for penalties? What about all the electronic equipment, furniture, etc.?

Information Technology

This past biennium, the Board of Medicine spent a significant amount of time and money to update its IT services. Our database and website are tailored to the specific needs of the Board that have been built up over many years. The contract for the

database/website is with the Board of Medicine. It is unclear, but doubtful, that our vendor would transfer its software and contract to the Department of Labor, especially as the DOL must utilize NDIT, a competitor to our database vendor. It would therefore appear that NDIT would be responsible for building new databases and websites not only for the Board of Medicine but for the 47 other licensing and regulatory Boards that would now be transferred, at great expense.

Legislative Study

The Department of Commerce is already tasked with reviewing licensing boards in the State of North Dakota which is done through the Workforce Development Division. In 2019, SB 2306 passed that required the Department of Commerce to study licensing boards with various requirements and parameters. To that end, Workforce Development engaged the services of a national organization – CLEAR – to review the 50 licensing boards in North Dakota by conducting a thorough examination and survey. The report was highly positive – finding that the boards were processing applications timely, expedited licenses were being provided to military spouses, and “(a)ltogether, CLEAR measured North Dakota’s occupational licensing environment to be efficient, well-staffed, and conducive to reform.” Since this initial survey, Workforce Development continues to study and monitor the licensing boards. If additional studies need to be implemented or scope of review expanded, it would seem practical to provide such direction to the Department of Commerce so as to continue to build off of their knowledge, resources, and proven ability to continue monitoring of the boards.

In summary, in order to continue expediting licenses, appropriately process disciplinary proceedings, and maintain best practices - the Board of Medicine requires

its own dedicated, trained office - which is already in place. The Board would therefore request a do not pass on SB 2249. Thank you for your time and attention and I would be happy to answer any questions.



State of North Dakota
Doug Burgum, Governor

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Mark J. Hardy, PharmD
Executive Director

SB 2249 – Centralization of Administration of Boards
Senate Workforce Development Committee – Fort Lincoln Room
9:00 AM - Friday – February 10, 2023

Chairman Wobbema and Members of the Senate Workforce Development Committee, for the record I am Mark Hardy Executive Director of the North Dakota State Board of Pharmacy and I appreciate the opportunity to be here with you today to discuss our deep concerns and opposition with the provisions of Senate Bill 2249.

This testimony is intended for the bill as it was introduced and amendments offered as we understand would likely change our position on the bill. While the bill sponsor's intention may be different, our read of Section 1 of this bill would move all administrative operations of the Boards, including the Board of Pharmacy underneath the Labor Commissioner control. This would cause extreme disruption for our licensees and the public at large that lean heavily on the efficient and reliable administrative services and programs provided by the Board of Pharmacy to deliver care in their communities.

To summarize just a few of the services that the labor commissioner would be responsible for duplicating if this bill were to pass include licensure of Pharmacists, Pharmacy Technicians, Technicians-in-Training, Interns, Veterinary Retail Facilities, Veterinary Dispensing Technicians, Pharmacies, Wholesale Drug distributors, manufacturers, outsourcing facilities, third party logistic providers and many that I am not including. The commissioner would need to organize and manage Inspections and Compliance Visitations of all the business facilities which are named above in the state. Complaints and formal disciplinary proceedings would also need to be managed by the labor commissioner. Programs in which you, the legislature has entrusted the Board of Pharmacy to manage and operate would all have to move over to the Labor Commissioner, including the State's Prescription Drug Monitoring Program, which collects the dispensing history of all controlled substances and provides ready access to clinicians and others making prescribing decisions, the North Dakota Drug Donation Program which provides access to medications that are donated for those in financial need of access, and the Drug Disposal Program which is collected over 24 tons of unused controlled substances at our participating pharmacies in the state. The Labor Commissioner would be responsible for administering the scheduling of controlled substances under 19-03.1 of the ND Century Code.

The stated goal in Section 2 of this bill is for the Labor Commissioner to centralize administration of Boards would be in our opinion very detrimental to the workforce. The continuing education and licensure of all state applicants in the profession of Pharmacy are both very time tested and uniform processes, which our licensees are accustomed to when moving between states. Our experiences in working with Boards of Pharmacy and other jurisdictions that have a centralization

model of Boards has been very troubling. What may seem a noble idea ends up being a bureaucracy that is very difficult to navigate for licensees and those trying to work with the Boards.

The current model in North Dakota of having independent Boards generally has allowed for and has proven to have nimble operations with very accessible offices that respond to licensees and the public needs in a very timely fashion.

That is not to discount the fact that there are issues in some Boards where supportive services may be needed. However, there are private companies that provide services to Boards in the State. That model of a public-private partnership is good and something we should be proud of in the state.

A study was conducted by the Department of Commerce that showed the average time to licensure was just 14 days from a completed application being provided. That includes professions that require background checks. I think that speaks very highly of the model of Boards that currently exist in the state. There may be small boards in the state that would benefit from a service model from a department given their small size or budgetary constraints but the approach that Senate bill 2249 sets forward is not the right approach in our opinion to improve the workforce needs in the state.

The highlights just a few of the concerns with the approach this bill sets forward from the Board of Pharmacy's perspective.

We appreciate the ability to testify in opposition to this bill and we thank you for your time. I would be happy to answer any questions you may have of me.

1 **TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2249**
2 **SENATE WORKFORCE DEVELOPMENT COMMITTEE**
3 **FEBRUARY 10, 2023**

4

5 Good morning Chairman Wobbema and members of the Senate Workforce
6 Development Committee. My name is David Hogue. I am a North Dakota state
7 senator representing District 38, which includes northwest Minot and the city of
8 Burlington. I appear before your committee to seek support for Senate Bill 2249.

9 SB 2249 is a bill that belongs squarely before your committee because it seeks
10 to promote our state's workforce. Senate Bill 2249 seeks to determine whether we can
11 enhance our workforce by streamlining the process by which non-residents are admitted
12 to practice their profession in North Dakota and whether we can streamline the
13 continuing education requirements for licensed professionals so that they might devote
14 more time to serving as professionals.

15 SB 2249 is a comprehensive approach compared to what we as a legislature
16 have tried to do in previous sessions. Recall several sessions ago we required prompt
17 licensure for trailing spouse of airmen and air women at our two active duty air bases.
18 That was successful attempt to encourage licensing boards to expedite the licensure
19 process. I introduced this bill because there is much more to be done. Why limit
20 expediting licensees to trailing spouses? They represent a small fraction of the
21 individuals who relocate to North Dakota and wish to practice their profession here.

1 If we are going to make meaningful progress on our workforce, I believe we
2 should implement a comprehensive approach to licensing out of state individuals across
3 all trades and professions. So how do we do that?

4 I think we start with a dialogue with all of the state licensing boards. SB 2249,
5 with the proposed amendments would require the North Dakota Labor Commission to
6 hold meetings with all licensing boards. The meetings would allow the Commissioner to
7 analyze each specific board's requirements for licensing out of state professionals to
8 determine how that process could be expedited. I am attaching to my testimony a copy
9 of an article about the state of Arizona's universal licensing requirements. The article
10 also shows a map of US states and there "level" of universal licensing requirements. As
11 you might observe, North Dakota is not one of the states that recognizes universal
12 licensing requirements.

13 The second area of discussion that SB 2249 directs the Labor Commissioner to
14 have with licensing boards relates to continuing education requirements for licensed
15 professionals. In my view, this is an area that should be examined for its ability to
16 positively impact workforce development. Let me explain.

17 As we have discussed during this session, one way to improve our workforce
18 numbers is attract more workers from out of state. A second way is to incent existing
19 residents into the workforce by, among other things, helping to pay a portion of the child
20 care so that workers can enter and stay in the work force without losing money.

21 A third way is to make workers who are in the workforce more productive.
22 Governor Burgum has highlighted automation as a way of making workers and

1 employers more productive. SB 2249 asks for a review of continuing education
2 requirements as a way to improve worker productivity.

3 What I feel is missing from continuing education is a one size fits all approach.
4 There are four states and a US territory that do not have continuing education for my
5 profession, attorneys. Those states are Maryland, Massachusetts, Michigan, South
6 Dakota, D.C.

7 The nursing profession is another where continuing education is going away as a
8 requirement of licensure. They are: Arizona, Colorado (employers may have
9 requirements), Indiana (employers may have requirements), Maine, Maryland
10 (employers may have requirements), Missouri, Oregon (one time 7-hour pain
11 management CE), Wisconsin; Wyoming—No requirements for nurses working full time.
12 Missouri no state requirement. South Dakota has no state requirement. Oregon has
13 one time 7 hour pain management course.

14 Other states continue to lift continuing education requirements for a broad range
15 of professions. I am not providing a comprehensive list but, Maine, as an example,
16 exempts physical therapy. Five states exempts continuing education for electricians.
17 They are Tennessee, Arizona, Missouri, Mississippi, and West Virginia. As I said, I am
18 not providing an exhaustive list.

19 Chairman Wobbema and members of the committee, I will try to answer your
20 questions. I urge your support of SB 2249.

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North Dakota Nurse Practitioner Association

www.ndnpa.org

Legislation Tracking Team

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SB 2249

Chairman Wobbema and Committee,

I am Dr. Tara Brandner, Legislative Liaison for the North Dakota Nurse Practitioner Association (NDNPA). I am submitting this written testimony on behalf of the NDNPA. The NDNPA is opposing SB 2249; relating to the centralization of administration of occupational boards; to provide for a report to the legislative management; and to provide an effective date.

The NDNPA opposes SB 2249 as the changes proposed in SB 2249 would disrupt the core processes of the board of nursing which oversees nurse practitioners, potentially contributing to delays in licensure and regulatory actions, which could be a direct threat to patient safety and patient care in ND.

I am happy to answer any questions in writing or via telephone.

Thank you for your time,
Dr. Tara Brandner, DNP, FNP-C
Legislative Liason for NDNPA

68th Legislative Assembly
Regular Session (2023)

S.B. 2249

Senate Workforce Development Committee

Sen. Michael A. Wobbema, Chairman

Sen. Michelle Axtman, Vice Chairman

Testimony of Nathan Svihovec

Commissioner of Labor

N.D. Department of Labor and Human Rights

NEUTRAL

February 10, 2023

I. Introductory Summary

Chairman Wobbema, Vice Chairman Axtman, and members of the Senate Workforce Development Committee, my name is Nathan Svihovec and I was appointed as the North Dakota Department of Labor and Human Rights Commissioner beginning December 2022. I am a licensed attorney in the State and prior to my appointment, primarily practiced in labor and employment law as well as other civil litigation areas. I am fortunate to have formerly represented several North Dakota state boards as an Assistant Attorney General and a Special Assistant Attorney General in private practice.

Chapter (Ch.) 34-05 of the North Dakota Century Code (N.D.C.C.) created the North Dakota Department of Labor and Human Rights and delineates the powers and duties of the Commissioner of Labor (Labor Commissioner). The Department's statutory duties can be most concisely summarized as ensuring citizens can live, work, and prosper in North Dakota. Given the broad duties of the Department, administration of boards and continuing learning could fall within its duties.

II. Bill Summary

Pursuant to the plain language of S.B. 2249, the bill aims to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. The bill is primarily a study directing the Labor Commissioner to meet with Title 43 Boards, the Education Standards and Practices Board ("ESPB"), and the State Board of Law Examiners ("SBLE") over the next biennium to address board administration, continuing education, and licensure of out-of-state applicants. The goal

of the meetings is to establish a strategy to license out-of-state practitioners within 72 hours of application and to revise continuing education requirements.

The study further directs the Labor Commissioner to periodically provide Legislative Management with status reports during the 2023-2024 interim. Legislation for the 69th Legislative Assembly is to be prepared and requested by the Labor Commissioner pursuant to the study findings.

III. Current Board Statistics

Currently, there are approximately 41 boards under Title 43 that oversee an estimate 60+ licensed professions . The total number of boards subject to the study is approximately 43 including the State Board of Law Examiners and the Education Standards and Practices Board. The composition of each board varies and can be seen in **Exhibit 1** to this testimony.

Not all boards have continuing education requirements. For those that do, the continuing requirements can be seen in **Exhibit 1**.

Furthermore, several boards have entered interstate compacts (“Compacts”), which recognizes professional licenses of those states subject to the Compacts. **Exhibit 1**.

IV. Coordination with Department of Commerce – Workforce Development Council

The Workforce Development Council has already collected significant data on this subject. North Dakota is a member of the Council of State Governments (CSG), which is a non-partisan membership organization established in the 1930s. They have received a USDOL grant to conduct general research regarding occupational licensure. Resources available through CSG include the federal movement on legislation related to occupational licensure with

a focus on interstate compacts. They are working on developing interstate compacts to allow a more seamless and streamlined process for occupational licensure transfers.

V. Recommended Amendments

The sole recommendation for this Committee is that, if it chooses to proceed with this bill, some stricter board compliance for the study should be included. My understanding of the past study is that approximately 15 boards failed to respond to the study and many responded without urgency.

VI. Fiscal Impact

An estimated \$10,000 - \$20,000 would be needed to fund a third party for data collection and report generation. At this time, I do not anticipate needing additional FTEs during the 2023-2024 interim. Depending on the study results, however, an estimated eight FTEs would be needed to process licensure applications for all boards and commissions subject to this bill.

VII. Conclusion

Thank you for your service to North Dakota and I look forward to addressing any questions you may have.

Exhibit 1
 N.D.C.C. Title 43 Summary
 Membership and Continuing Learning Education Requirements

	Board	Members	CLEs	References
1	Abstractors' Board of Examiners	3	18/3	§ 43-01-02; § 2-02-01-01
2	State Board of Accountancy	5	120/3	§ 43-02.2-03; § 3-03-01-01
3	State Board of Architects and Landscape Architects ¹	3	-	§ 43-03-03; § 8-04-01-04
4	State Board of Barber Examiners	3	6/2	§ 43-04-04; § 14-3-03-01
5	N.D. Board of Podiatric Medicine	6	60/3	§ 43-05-03; § 63-03-02-01
6	State Board of Chiropractic Examiners	7	20/1	§ 43-06-03; § 17-03-02-01
7	Contractors (SOS is Registrar)	-	-	§ 43-07-01
8	State Electrical Board	5	8/1	§ 43-09-02; § 24.1-04-01-01
9	Stata Board of Funeral Services	4	0	§ 43-10-02; § 25-02-03 (repealed)
10	Pre-Need Funeral Services	-	-	§ 43-10-03
11	State Board of Cosmetology	5	?	§ 43-11-03; § 32-05-01-03
12	State Board of Nursing	9	400/4	§ 43-12.1-05; § 54-02-05-05.1; § 54-02-05-08
13	Health Care Professional Student Loan Repayment Program (Health Council administers)	-	-	§ 43-12.3-01
14	Nurse Licensure Compact	-	-	Ch. 43-12.4
15	Advanced Practice Registered Nurse Licensure Compact	-	-	Ch. 43-12.5
16	State Board of Optometry	7	40/2	§ 43-13-03; § 56-02-02-01(2)
17	State Board of Pharmacy	7	15/1	§ 43-15-03; § 61-03-04-02
18	Wholesale Drug Distributors (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.1
19	Legend Drug Donation and Repository Program (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.2
20	Wholesale Drug Pedigree (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.3
21	Veterinary Prescription Drugs (Bd. of Pharmacy Oversees)	-	8/1	§ 43-15.4-07; § 43-15.4-06

¹ The Board adopted CLARB requirements in 2005. It is unclear if CLARB has any requirements for continuing learning but its website indicates the Board possesses the continuing learning requirements.

22	Physicians, Resident Physicians, and Physicians Assistants (Bd. of Medicine Oversees)	13	60/3	§ 43-17-03; § 50-04-01-01
23	Board of Medicine Investigative Panels (Bd. of Medicine Oversees)	-	-	Ch. 43-17.1
24	Physician Health Program (Bd. of Medicine Oversees)	-	-	Ch. 43-17.3
25	Interstate Medical Licensure Compact	-	-	§ 43-17.4-01
26	Plumbers	6	-	§ 43-18-02
27	Water Conditioning Contractors and Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.1
28	Sewer and Water Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.2
29	Professional Engineers and Land Surveyors	5	30/2	§ 43-19.1-03; § 28-04-01-03
30	Dental Hygienists and Assistants (Bd. of Dentistry Oversees)	-	16/2	Ch. 43-20; § 20-04-01-08
31	State Real Estate Commission	5	12/1	§ 43-23-01; § 70-02-04-02
32	Subdivided Lands Disposition Act (State Real Estate Commission Oversees)	-	-	Ch. 43-23.1
33	Real Estate Education Fund (State Real Estate Commission Oversees)	-	-	Ch. 43-23.2
34	Real Estate Appraiser Qualifications and Ethics Board	5	28/2	§ 43-23.3-02; § 101-04-01-01
35	Appraisal Management Companies (Real Estate Appraiser Qualifications and Ethics Bd. Oversees)	-	-	Ch. 43-23.5
36	Massage Therapists	5	24/2	§ 43-25-05; § 49-01-02-05; § 42-25-09(2)
37	Physical Therapists	7	25/2	§ 43-26.1-02; § 61.5-03-01
38	Physical Therapy Licensure Compact	-	-	§ 43-26.2-01
39	Dentists	9	32/2	§ 43-28-03; § 20-02-01-06
40	Dentists' Loan Repayment Program	-	-	Ch. 43-28.1
41	Veterinarians	5	24/2	§ 43-29-02; § 87-02-01-02
42	Veterinarian Loan Repayment Program	-	-	Ch. 43-29.1
43	Investigative and Security Services	5-11	-	§ 43-30-03;
44	Detection of Deception Examiners (Attorney General Oversees)	-	-	Ch. 43-31
45	Psychologists	7	40/2	§ 43-32-02; § 66-03-01-02
46	Hearing Aid Dealers (Bd. of Hearing Aid Specialists Oversees)	4	10/1	§ 43-33-15; § 43-33-11; § 104-05-01-01

47	Nursing Home Administrators	9	20/1	§ 43-34-02; § 55-02-01-12
48	State Board of Water Well Contractors	7	12/2	§ 43-35-03; § 90-01-03-06
49	Professional Soil Classifiers	5	-	§ 43-36-02
50	Audiologists and Speech-Language Pathologists (Bd. of Examiners on Audiology and Speech-language Pathology)	8	10/1	§ 43-37-05; § 11-02-01-06
51	Electrologists and Electronic Hair Removal Technicians (State Health Council Oversees)	-	-	Ch. 43-38
52	Athletic Trainers	5	-	§ 43-39-02; § 106-02-01-04
53	Occupational Therapists	5	20/2	§ 43-40-04; § 55.5-02-01-04(1)
54	Social Workers	7	30/2	§ 43-41-08; § 75.5-02-03-07
55	Respiratory Care Practitioners	7	10/1	§ 43-42-02; § 105-02-01-04
56	Environmental Health Practitioners (Advisory Bd./Dept. of Health Oversees)	3	?	§ 43-43-04; § 33-30-02-02
57	Dietitians and Nutritionists	5	75/5	§ 43-44-02; § 20.5-02-01-01
58	Addiction Counselors	7	40/2	§ 43-45-02; § 4.5-02.1-02-02
59	Peer Assistance Entity Agreements	-	-	Ch. 43-46
60	Counselors	5	30/2	§ 43-47-02; § 97-02-01-06
61	Clinical Laboratory Personnel	7	20/2	§ 43-48-05; § 96-02-04-01
62	Reflexologists	3	1/3	§ 43-49-02; § 43-49-09
63	Occupational Licensee Database	-	-	Ch. 43-50
64	Professional and Occupational Licensing	-	-	Ch. 43-51
65	Interpreters	-	-	Ch. 43-52
66	Marriage and Family Therapy Practice	5	30/2	§ 43-53-04; § 111-02-01-06
67	Home Inspectors	-	-	Ch. 43-54
68	Professional Employer Organizations (Sec. of State Oversees)	-	-	Ch. 43-55
69	Integrative Health Care	5	32/2	§ 43-57-02
70	Naturopaths (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-02-03-01
71	Music Therapists (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-03-01-09
72	Genetic Counseling (Bd. of Medicine Oversees)	-	?	§ 43-60-05 (ABGC/ABMG)
73	Acupuncturists (Integrative Health Care Bd. Oversees)	-	30/2	§ 112-04-03-01

74	Medical Imaging and Radiation Therapy	9	6/1	§ 43-62-04; § 114-02-02-04; § 43-62-14.1
75	Behavior Analysts (Integrative Health Care Bd. Oversees)	-	32/2	§ 112-05-01-10
76	Education Standards and Practices Board	6	Varies	Ch. 15.1-01; N.D. Admin Code Ch. 67.1-02
77	State Board of Law Examiners – Commission for Continuing Legal Education	7	45/3	N.D.R. Continuing Legal Ed. 2; N.D.R. Continuing Legal Ed. 3

Good Morning,

Please exempt the NDBON (North Dakota Board of Nursing) from both SB 2249 and SB 2184. As a working nurse and nurse educator the hardship that prolonged licensure for new nurse graduates and renewals for nurses and other licensed providers will only negatively impact an already strained medical care system. The nursing shortage is a true issue and any more steps and increased length of initial licensure will only impede care for all patients in any care setting awaiting these licensures. The NDBON is experienced and a resource we want continuing to provide this service. Please consider this unique and absolutely necessary profession to continue to provide and renew its own licensures.

Thank you,

Kayley Peterson, RN, BSN

23.0436.01001

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2249

Introduced by

Senators Hogue, Larsen, Vedaa

Representatives Nathe, Roers Jones, Vetter

1 A BILL for an Act to create and enact a new chapter to title 34 of the North Dakota Century
2 Code, relating to the ~~centralization~~ efficiency of administration of occupational boards; to provide
3 for a report to the legislative management; and to provide an effective date.

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

5 **SECTION 1.** A new chapter to title 34 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

- 8 1. "Board" means an occupational or professional board established under title 43.
- 9 2. "Commissioner" means the labor commissioner.

10 **Duties of commissioner.**

11 The commissioner shall ~~administer and provide administrative services~~ gather information
12 regarding the continuing education requirements and the practice of licensing out-of-state
13 practitioners for each board, the education standards and practices board, and the state board
14 of law examiners. The commissioner shall analyze the information to develop and update a
15 strategy for more efficient continuing education requirements and more efficient practices for
16 licensing out-of-state practitioners. As necessary, the commissioner shall prepare and request
17 introduction of legislation to implement this strategy.

18 **SECTION 2. LABOR COMMISSIONER - OCCUPATIONS AND PROFESSIONS -**
19 **REPORT TO LEGISLATIVE MANAGEMENT.**

- 20 1. During the 2023-24 interim, the labor commissioner shall hold meetings with each
- 21 occupational board under title 43, the education standards and practices board, and
- 22 the state board of law examiners. The topics addressed at the meetings must include
- 23 administration of the boards, continuing education, and the licensure of out-of-state
- 24 applicants, with a goal of establishing a strategy to ~~centralize administration of the~~

- 1 ~~boards under the commissioner, to license out-of-state licensees~~practitioners within
2 seventy-two hours of application; and to revise continuing education requirements to
3 recognize ~~long-practicing professionals~~the contributions of employers and the
4 opportunities afforded by evolving technology.
- 5 2. During the 2023-24 interim, the labor commissioner shall provide the legislative
6 management with periodic reports on the status of the commissioner's implementation
7 of this section.
- 8 3. The labor commissioner shall prepare and request introduction of legislation for the
9 sixty-ninth legislative assembly which provides for ~~centralization of administration of~~
10 ~~occupational boards under the commissioner,~~streamlining of licensure of out-of-state
11 ~~licensees~~practitioners, and revision of continuing education requirements.

12 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective August 1, 2025.

Arizona's First-In-The-Nation Universal Licensing Recognition Law Takes Effect

Among all the things you have to do when you move to a new state, jumping through hoops to obtain a new license in order to work in your chosen field shouldn't be one of them. Thanks to a new law that goes into effect this week, you won't have to if you're moving to Arizona.

Under a bill signed into law by Gov. Doug Ducey following bipartisan legislative support, Arizona is now the first state in the country with universal licensing recognition. From barbers to bakers, engineers to embalmers, all are welcome to Arizona to continue working in their field.

The new law removes a significant hurdle for those looking to make Arizona their new home, which is great news for employers and employees alike. Those who have invested hours and money to gain a professional license in their current state can move to Arizona and immediately get to work in their chosen profession without the delays and costs that result from redundant state requirements.

A government-issued occupational license is required to gain entry into a wide variety of professions. Laws governing these licenses have been under scrutiny around the country. Although intended to protect consumer health and safety, many times the laws and regulating institutions create unnecessary burdens that hinder workers, squelch competition, and slow down or restrict access to a needed labor force. Not to mention they lessen worker mobility when an employee new to the state must retest or duplicate training in order to obtain a license for the same job.

The Institute for Justice, which has looked at licensing laws around the country, has called Arizona's the 4th most burdensome in the nation. According to their research, occupational licenses in Arizona require an average of \$612 in fees, more than two years of education and experience, and approximately two exams.

Arizona has worked hard to reduce bureaucracy for those licensed professionals.

In 2017, lawmakers made it possible for out-of-state teachers with a good record to move to Arizona and start teaching on day one. Across the country, there are states that make it nearly impossible for a teacher with years of experience to receive a license without paying for additional college classes and certification tests. This was hurting Arizona schools and teaching professionals.

No longer is that the case in Arizona. We are a full reciprocity state.

This session lawmakers eliminated the roadblock for already-licensed professionals in other industries. In signing the bill, the Governor's Office made clear that licensed professions must still obtain an Arizona license, but will not be required to duplicate training or other requirements in order to receive it.

To receive a license, applicants must have been licensed in their profession for at least a year, be in good standing, and complete any necessary background checks.

Professionals don't lose their skills simply because they cross state lines.

And, it goes a long way to expediting the process of bringing together trained workers who want a job with employers who have jobs.

Arizona's economy is booming, with new opportunities available to individuals from all sorts of professions. Avoiding the hassle of re-licensing can be a very real reason for someone to stay put rather than move to a new state, even for a great opportunity or better quality of life. In Arizona we've done a great job of removing any barriers to those looking to come here and bring their skills. Universal licensing recognition is one more way Arizona is making itself the most attractive place in the country to live, work, learn, and play.

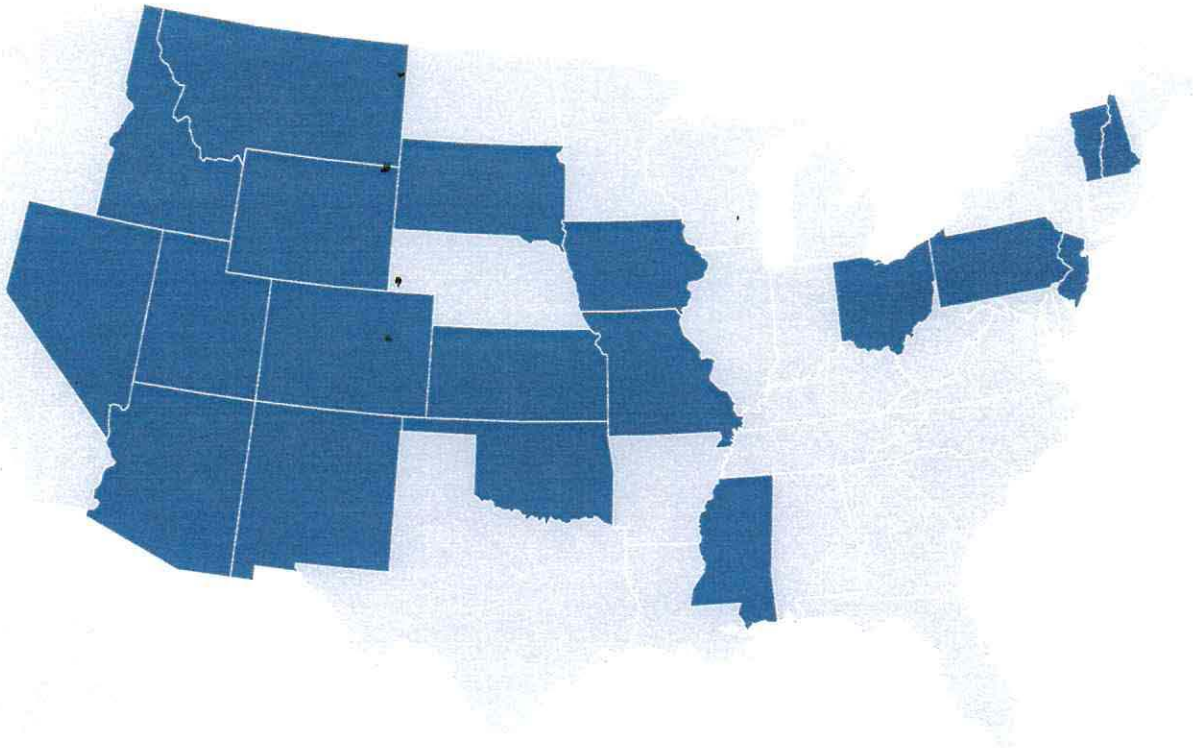
Read more about occupational licensing in this [Arizona Chamber Foundation FAQ](#). [A for Arizona](#) has more details on teacher certification here and [Chamber Business News](#) has the story on this session's occupational licensing laws.

State Reforms for Universal License Recognition

Occupational licensing affects nearly 1 in 5 American workers and can be a substantial barrier to interstate mobility. In order to foster a more open and prosperous economy, states are enacting universal recognition for out-of-state licensees. Under universal license recognition, eligible applicants must hold a license in good standing in their home state. Applicants also cannot have any pending disciplinary action from the relevant board or a criminal record that would disqualify them from obtaining the license in the recognizing state. Applicants may still be required to pay fees or take exams administered by the board in the recognizing state. Universal recognition does not affect interstate compacts.

Universal Recognition for Occupational Licensing

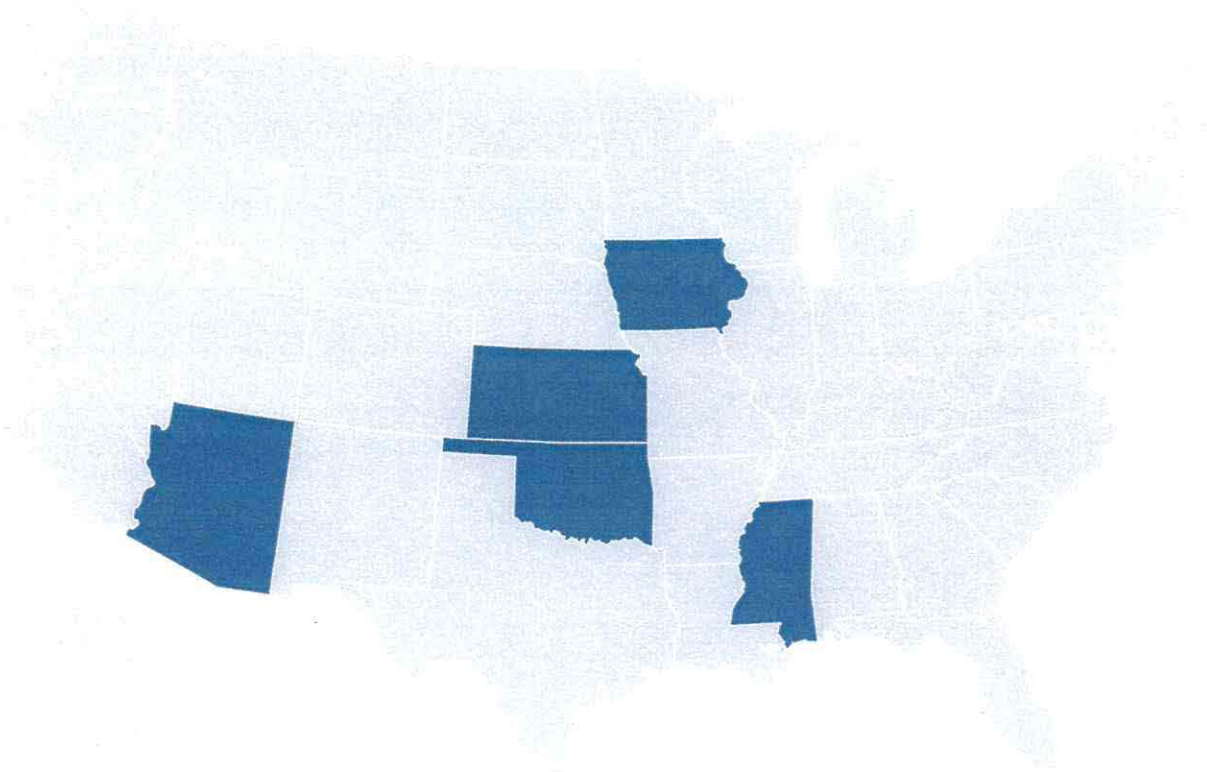
Today, 19 states have enacted universal license recognition.



However, universal recognition can differ quite drastically from state to state. Multiple states have imposed additional rules and requirements that thwart license portability and workforce mobility, undermining the main goals of universal license recognition.

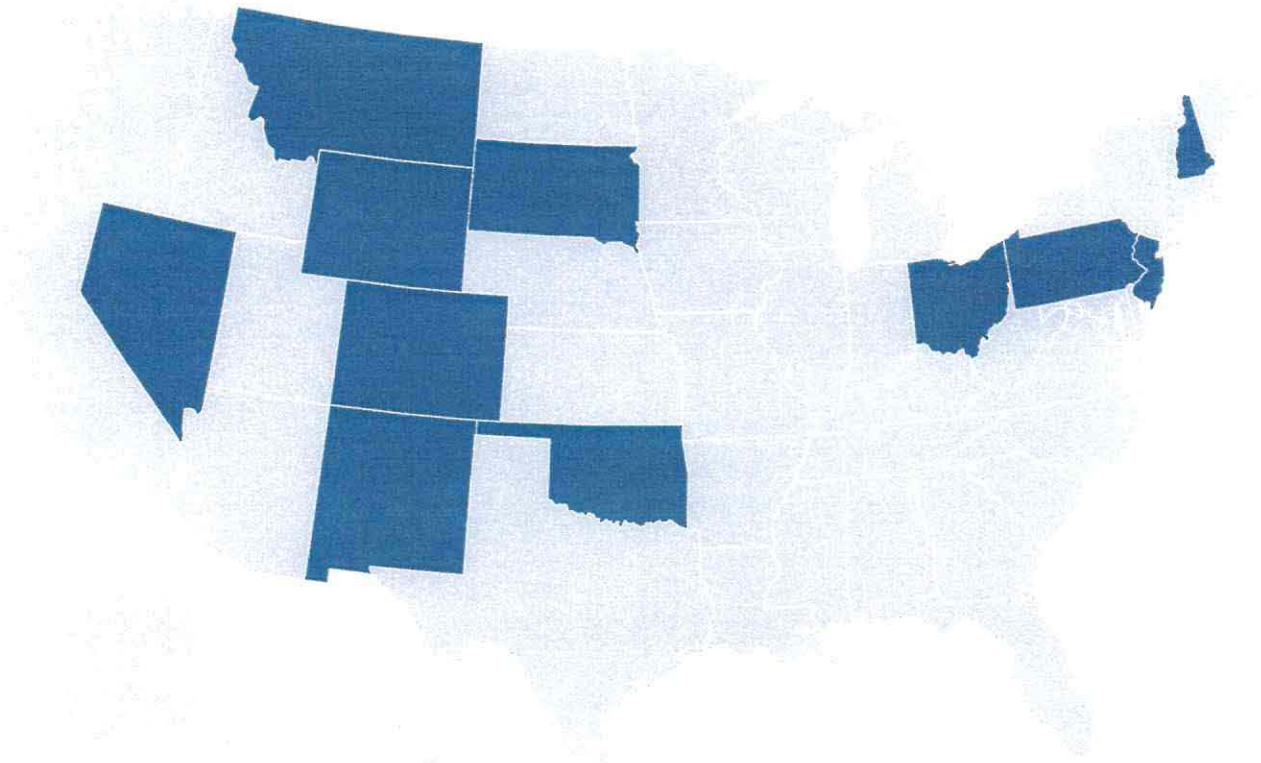
Residency Requirements

Five states limit universal license recognition to residents.



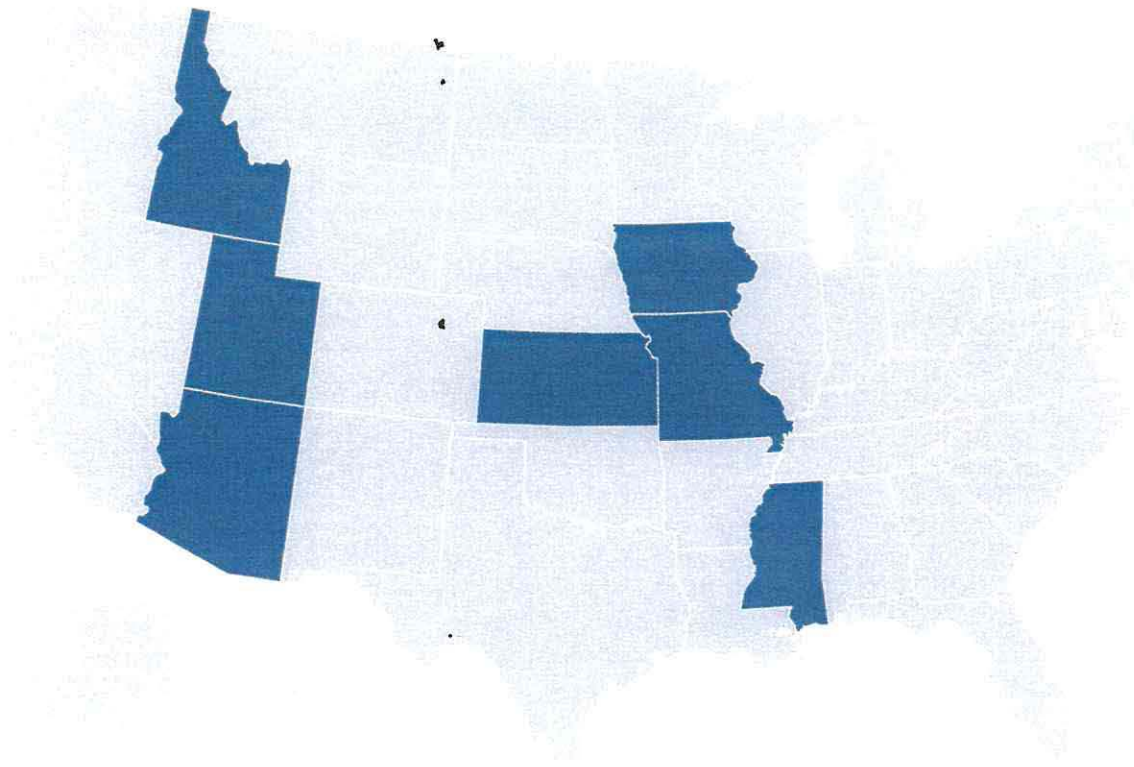
“Substantially Equivalent” Requirements

In 11 states, boards only grant licensure if the home state license requires “substantially equivalent” education, experience, or training. That effectively penalizes states with less burdensome requirements.



Similar “Scope of Practice”

In contrast, seven states allow universal recognition of a home state license if it has a similar “scope of practice” or “at the same practice level” to the recognizing state’s license. This means a board does not have to compare and contrast the license requirements between the two states:



Recognizing Experience in States Without Licensure

In three states, applicants from states that didn't license the occupation can still obtain a license to work if they have at least three years of experience in that occupation.

COMMENTS for .01001 Amended SB 2249**PRESENTED BY JAMES SCHMIDT****EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Chairman Wobbema, Members of the Work Force Development Committee:

I'm James Schmidt, executive director for the North Dakota State Electrical Board and this board already has in its chapter of the code (NDCC Chap. 43-09) the items addressed in the .01001 amended version of SB 2249 and therefore finds it unnecessary and wants to remain exempt.

Similar bills have been proposed in past sessions and have been defeated when the facts of what individual occupational and licensing boards do become fully known.

Since its inception in 1917, the board has licensed electricians, inspected all electrical installations in the state, conducted and monitored continuing education for licensees, supervised apprentice education, created a process for licensing foreign practitioners and financed its own operations without an appropriation. It has also managed all of the other functions of this bill. We currently have an education advisory committee comprised of professional educators from the electrical trade that monitor the required continuing and apprentice education which we don't understand how the labor commissioner can properly analyze this specialized agency any better than our current processes.

We have heard no complaints about the board's licensure process. The board processes over 1,000 applications for licensure each year which

are reviewed and processed on a weekly schedule or more frequently if requested.

The NDSEB is a specialized board overseeing a technical industry. At its core, the board's concern is safeguarding the residents of ND from electrical hazards and financial harm. It is always on the lookout for more efficient means and methods to streamline its procedures, while also maintaining that core function. We therefore urge a do not pass vote on SB 2249 or exempt/remove North Dakota State Electrical Board from this bill.

We thank the Committee for hearing our concerns.



NORTH DAKOTA BOARD OF NURSING

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House Industry, Business & Labor Committee ND Board of Nursing SB 2249

Chairman Louser and members of the House Industry, Business and Labor Committee. I am Dr. Stacey Pfenning, Executive Director of the North Dakota Board of Nursing (NDBON).

Since SB 2249's introduction, the North Dakota Senate Workforce Committee has amended the bill into a collaboration between the North Dakota Labor Commissioner and occupational and professional boards to examine continuing education requirements and the timely processing of out-of-state practitioners.

NDBON is neutral on SB 2249, in its current form as passed by the Senate.

Typically, once our office receives a completed application for licensure (containing all necessary documentation) from an out-of-state nurse, the NDBON's licensing team can issue a temporary permit within one to two business days while the nurse awaits background check results (processed by the North Dakota Bureau of Criminal Investigation).

A similar bill, SB 2184, would provide legislative management with the option to consider a study examining North Dakota's current occupational and professional boards. Due to the similarities in each piece of legislation, the NDBON recommends combining SB 2184 and SB 2249 into one study.

Thank you for your time and attention. I am open to any questions the Committee members may have.

Dr. Stacey Pfenning DNP APRN FNP FAANP
701-527-6761
spfening@ndbon.org

HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE
MARCH 14, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2249

Chair Louser, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board in opposition to Senate Bill 2249.

The Board of Medicine is not opposed to continued studies being done on regulatory and licensing boards in the state and would welcome the chance to provide information to the Labor Commissioner on how it made strides in streamlining licensure processes and continuing education requirements this past biennium. However, the Board opposes the language in the bill that puts authority to introduce legislation with the Commissioner directly into law – arguably without the Board's concurrence or authorization.

This past biennium, the Board of Medicine engaged in an extensive review of its policies and procedures, administrative code, and century code, to identify and address any inefficient processes, outdated requirements, and redundant language, which resulted in updates for a streamlined, efficient licensure and disciplinary process, consistent with national standards and best practices. This was a big undertaking that took two years of public meetings and discussions with several constituents – including associations, firms, hospitals, the School of Medicine, licensees, applicants, and other medical boards throughout the nation. The Board's office staff, in working exclusively in processing these applications, are uniquely situated to provide information on trends,

inefficiencies, etc. to relay to the Board for proposed changes. Research was done on other jurisdiction requirements and Board members and staff attended numerous conferences, seminars, and roundtable discussions to keep apprised of national trends, updates to technology, etc. It is through this diligent, extensive work that the Board was able to propose comprehensive and thoroughly vetted legislation. This responsibility is best left to the Board which has garnered knowledge and expertise, versus an outside executive agency.

Thank you for your time and attention and I would be happy to answer any questions.

1 **TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2249**
2 **HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE**
3 **MARCH 14, 2023**

4
5 Good morning Chairman Louser and members of the House Industry, Business,
6 and Labor Committee. My name is David Hogue. I am a North Dakota state senator
7 representing District 38, which includes northwest Minot and the city of Burlington. I
8 appear before your committee to seek support for Senate Bill 2249.

9 SB 2249 is a bill that belongs squarely before your committee because it seeks
10 to promote our state's workforce. Senate Bill 2249 seeks to determine whether we can
11 enhance our workforce by streamlining the process by which non-residents are admitted
12 to practice their profession in North Dakota and whether we can streamline the
13 continuing education requirements for licensed professionals so that they might devote
14 more time to serving as professionals.

15 SB 2249 is a comprehensive approach compared to what we as a legislature
16 have tried to do in previous sessions. Recall several sessions ago we required prompt
17 licensure for trailing spouses of airmen and air women at our two active duty air bases.
18 That was successful attempt to encourage licensing boards to expedite the licensure
19 process. I introduced this bill because there is much more to be done. Why limit
20 expediting licensees to trailing spouses? They represent a small fraction of the
21 individuals who relocate to North Dakota and wish to practice their profession here.

1 If we are going to make meaningful progress on our workforce, I believe we
2 should implement a comprehensive approach to licensing out of state individuals across
3 all trades and professions. So how do we do that?

4 I think we start with a dialogue with all of the state licensing boards. SB 2249
5 would direct the North Dakota Labor Commission to hold meetings with all licensing
6 boards. The meetings would allow the Commissioner to analyze each specific board's
7 requirements for licensing out of state professionals to determine how that process
8 could be expedited. I am attaching to my testimony a copy of an article about the state
9 of Arizona's universal licensing requirements. The article also shows a map of US
10 states and there "level" of universal licensing requirements. As you might observe,
11 North Dakota is *not* one of the states that recognizes universal licensing requirements.

12 The second area of discussion that SB 2249 directs the Labor Commissioner to
13 have with licensing boards relates to continuing education requirements for licensed
14 professionals. In my view, this is an area that should be examined for its ability to
15 positively impact workforce development. Let me explain.

16 As we have discussed during this session, one way to improve our workforce
17 numbers is attract more workers from out of state. A second way is to encourage
18 existing residents into the workforce by, among other things, helping to pay a portion of
19 the child care so that workers can enter and stay in the work force without losing
20 money.

21 A third way is to make workers who are in the workforce more productive.
22 Governor Burgum has highlighted automation as a way of making workers and

1 employers more productive. SB 2249 asks for a review of continuing education
2 requirements as a way to improve worker productivity.

3 What I feel is problematic about our existing continuing education requirements is
4 a one size fits all approach. There are four states and a US territory that do not have
5 continuing education for my profession, attorneys. Those states are Maryland,
6 Massachusetts, Michigan, South Dakota, D.C.

7 The nursing profession is another skilled profession where continuing education
8 is going away as a requirement of licensure in many states. Those states are: Arizona,
9 Colorado (employers may have requirements), Indiana (employers may have
10 requirements), Maine, Maryland (employers may have requirements), Missouri, Oregon
11 (one time 7-hour pain management CE), Wisconsin; Wyoming—No requirements for
12 nurses working full time. Missouri no state requirement. South Dakota has no state
13 requirement. Oregon has one time 7 hour pain management course.

14 Other states continue to lift continuing education requirements for a broad range
15 of professions. I am not providing a comprehensive list but, Maine, as an example,
16 exempts physical therapy. Five states exempts continuing education for electricians.
17 They are Tennessee, Arizona, Missouri, Mississippi, and West Virginia. As I said, I am
18 not providing an exhaustive list.

19 Chairman Louser and members of the committee, I will try to answer your
20 questions. I urge your support of SB 2249.

21

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68th Legislative Assembly
Regular Session (2023)

S.B. 2249

House Industry, Business and Labor Committee

Rep. Scott Louser, Chairman
Rep. Mitch Ostlie, Vice Chairman

Testimony of Nathan Svihovec

Commissioner of Labor
N.D. Department of Labor and Human Rights

NEUTRAL

March 14, 2023

I. Introductory Summary

Chairman Louser, Vice Chairman Ostlie, and members of the House Industry, Business & Labor Committee, my name is Nathan Svihovec and I was appointed as the North Dakota Department of Labor and Human Rights Commissioner beginning December 2022. I am a licensed attorney in the State and prior to my appointment, primarily practiced in labor and employment law as well as other civil litigation areas. I am fortunate to have formerly represented several North Dakota state boards as an Assistant Attorney General and a Special Assistant Attorney General in private practice.

Chapter (Ch.) 34-05 of the North Dakota Century Code (N.D.C.C.) created the North Dakota Department of Labor and Human Rights and delineates the powers and duties of the Commissioner of Labor (Labor Commissioner). The Department's statutory duties can be most concisely summarized as ensuring citizens can live, work, and prosper in North Dakota. Given the broad duties of the Department, administration of boards and continuing learning could fall within its duties.

II. Bill Summary

Pursuant to the plain language of S.B. 2249, the bill aims to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. The bill is primarily a study directing the Labor Commissioner to meet with Title 43 Boards, the Education Standards and Practices Board ("ESPB"), and the State Board of Law Examiners ("SBLE") over the next biennium to address board administration, continuing education, and licensure of out-of-state applicants. The goal

of the meetings is to establish a strategy to license out-of-state practitioners within 72 hours of application and to revise continuing education requirements.

The study further directs the Labor Commissioner to periodically provide Legislative Management with status reports during the 2023-2024 interim. Legislation for the 69th Legislative Assembly is to be prepared and requested by the Labor Commissioner pursuant to the study findings.

III. Current Board Statistics

Currently, there are approximately 41 boards under Title 43 that oversee an estimate 60+ licensed professions. The total number of boards subject to the study is approximately 43 including the State Board of Law Examiners and the Education Standards and Practices Board. The composition of each board varies and can be seen in **Exhibit 1** to this testimony.

Not all boards have continuing education requirements. For those that do, the continuing requirements can be seen in **Exhibit 1**.

Furthermore, several boards have entered interstate compacts ("Compacts"), which recognizes professional licenses of those states subject to the Compacts. **Exhibit 1**.

IV. Coordination with Department of Commerce – Workforce Development Council

The Workforce Development Council has already collected significant data on this subject. North Dakota is a member of the Council of State Governments (CSG), which is a non-partisan membership organization established in the 1930s. They have received a USDOL grant to conduct general research regarding occupational licensure. Resources available through CSG include the federal movement on legislation related to occupational licensure with

a focus on interstate compacts. They are working on developing interstate compacts to allow a more seamless and streamlined process for occupational licensure transfers.

V. Recommended Amendments

The sole recommendation for this Committee is that, if it chooses to proceed with this bill, some stricter board compliance for the study should be included. My understanding of the past study is that approximately 15 boards failed to respond to the study and many responded without urgency.

VI. Fiscal Impact

An estimated \$20,000 would be needed to fund a third party for data collection and report generation. At this time, I do not anticipate needing additional FTEs during the 2023-2024 interim. Depending on the study results, however, an estimated eight FTEs would be needed to process licensure applications for all boards and commissions subject to this bill.

VII. Conclusion

Thank you for your service to North Dakota and I look forward to addressing any questions you may have.

Exhibit 1
 N.D.C.C. Title 43 Summary
 Membership and Continuing Learning Education Requirements

	Board	Members	CLEs	References
1	Abstractors' Board of Examiners	3	18/3	§ 43-01-02; § 2-02-01-01
2	State Board of Accountancy	5	120/3	§ 43-02.2-03; § 3-03-01-01
3	State Board of Architects and Landscape Architects ¹	3	-	§ 43-03-03; § 8-04-01-04
4	State Board of Barber Examiners	3	6/2	§ 43-04-04; § 14-3-03-01
5	N.D. Board of Podiatric Medicine	6	60/3	§ 43-05-03; § 63-03-02-01
6	State Board of Chiropractic Examiners	7	20/1	§ 43-06-03; § 17-03-02-01
7	Contractors (SOS is Registrar)	-	-	§ 43-07-01
8	State Electrical Board	5	8/1	§ 43-09-02; § 24.1-04-01-01
9	Stata Board of Funeral Services	4	0	§ 43-10-02; § 25-02-03 (repealed)
10	Pre-Need Funeral Services	-	-	§ 43-10-03
11	State Board of Cosmetology	5	?	§ 43-11-03; § 32-05-01-03
12	State Board of Nursing	9	400/4	§ 43-12.1-05; § 54-02-05-05.1; § 54-02-05-08
13	Health Care Professional Student Loan Repayment Program (Health Council administers)	-	-	§ 43-12.3-01
14	Nurse Licensure Compact	-	-	Ch. 43-12.4
15	Advanced Practice Registered Nurse Licensure Compact	-	-	Ch. 43-12.5
16	State Board of Optometry	7	40/2	§ 43-13-03; § 56-02-02-01(2)
17	State Board of Pharmacy	7	15/1	§ 43-15-03; § 61-03-04-02
18	Wholesale Drug Distributors (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.1
19	Legend Drug Donation and Repository Program (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.2
20	Wholesale Drug Pedigree (Bd. of Pharmacy Oversees)	-	-	Ch. 43-15.3
21	Veterinary Prescription Drugs (Bd. of Pharmacy Oversees)	-	8/1	§ 43-15.4-07; § 43-15.4-06

¹ The Board adopted CLARB requirements in 2005. It is unclear if CLARB has any requirements for continuing learning but its website indicates the Board possesses the continuing learning requirements.

22	Physicians, Resident Physicians, and Physicians Assistants (Bd. of Medicine Oversees)	13	60/3	§ 43-17-03; § 50-04-01-01
23	Board of Medicine Investigative Panels (Bd. of Medicine Oversees)	-	-	Ch. 43-17.1
24	Physician Health Program (Bd. of Medicine Oversees)	-	-	Ch. 43-17.3
25	Interstate Medical Licensure Compact	-	-	§ 43-17.4-01
26	Plumbers	6	-	§ 43-18-02
27	Water Conditioning Contractors and Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.1
28	Sewer and Water Installers (Bd. of Plumbing Oversees)	-	-	Ch. 43-18.2
29	Professional Engineers and Land Surveyors	5	30/2	§ 43-19.1-03; § 28-04-01-03
30	Dental Hygienists and Assistants (Bd. of Dentistry Oversees)	-	16/2	Ch. 43-20; § 20-04-01-08
31	State Real Estate Commission	5	12/1	§ 43-23-01; § 70-02-04-02
32	Subdivided Lands Disposition Act (State Real Estate Commission Oversees)	-	-	Ch. 43-23.1
33	Real Estate Education Fund (State Real Estate Commission Oversees)	-	-	Ch. 43-23.2
34	Real Estate Appraiser Qualifications and Ethics Board	5	28/2	§ 43-23.3-02; § 101-04-01-01
35	Appraisal Management Companies (Real Estate Appraiser Qualifications and Ethics Bd. Oversees)	-	-	Ch. 43-23.5
36	Massage Therapists	5	24/2	§ 43-25-05; § 49-01-02-05; § 42-25-09(2)
37	Physical Therapists	7	25/2	§ 43-26.1-02; § 61.5-03-01
38	Physical Therapy Licensure Compact	-	-	§ 43-26.2-01
39	Dentists	9	32/2	§ 43-28-03; § 20-02-01-06
40	Dentists' Loan Repayment Program	-	-	Ch. 43-28.1
41	Veterinarians	5	24/2	§ 43-29-02; § 87-02-01-02
42	Veterinarian Loan Repayment Program	-	-	Ch. 43-29.1
43	Investigative and Security Services	5-11	-	§ 43-30-03;
44	Detection of Deception Examiners (Attorney General Oversees)	-	-	Ch. 43-31
45	Psychologists	7	40/2	§ 43-32-02; § 66-03-01-02
46	Hearing Aid Dealers (Bd. of Hearing Aid Specialists Oversees)	4	10/1	§ 43-33-15; § 43-33-11; § 104-05-01-01

47	Nursing Home Administrators	9	20/1	§ 43-34-02; § 55-02-01-12
48	State Board of Water Well Contractors	7	12/2	§ 43-35-03; § 90-01-03-06
49	Professional Soil Classifiers	5	-	§ 43-36-02
50	Audiologists and Speech-Language Pathologists (Bd. of Examiners on Audiology and Speech-language Pathology)	8	10/1	§ 43-37-05; § 11-02-01-06
51	Electrologists and Electronic Hair Removal Technicians (State Health Council Oversees)	-	-	Ch. 43-38
52	Athletic Trainers	5	-	§ 43-39-02; § 106-02-01-04
53	Occupational Therapists	5	20/2	§ 43-40-04; § 55.5-02-01-04(1)
54	Social Workers	7	30/2	§ 43-41-08; § 75.5-02-03-07
55	Respiratory Care Practitioners	7	10/1	§ 43-42-02; § 105-02-01-04
56	Environmental Health Practitioners (Advisory Bd./Dept. of Health Oversees)	3	?	§ 43-43-04; § 33-30-02-02
57	Dietitians and Nutritionists	5	75/5	§ 43-44-02; § 20.5-02-01-01
58	Addiction Counselors	7	40/2	§ 43-45-02; § 4.5-02.1-02-02
59	Peer Assistance Entity Agreements	-	-	Ch. 43-46
60	Counselors	5	30/2	§ 43-47-02; § 97-02-01-06
61	Clinical Laboratory Personnel	7	20/2	§ 43-48-05; § 96-02-04-01
62	Reflexologists	3	1/3	§ 43-49-02; § 43-49-09
63	Occupational Licensee Database	-	-	Ch. 43-50
64	Professional and Occupational Licensing	-	-	Ch. 43-51
65	Interpreters	-	-	Ch. 43-52
66	Marriage and Family Therapy Practice	5	30/2	§ 43-53-04; § 111-02-01-06
67	Home Inspectors	-	-	Ch. 43-54
68	Professional Employer Organizations (Sec. of State Oversees)	-	-	Ch. 43-55
69	Integrative Health Care	5	32/2	§ 43-57-02
70	Naturopaths (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-02-03-01
71	Music Therapists (Integrative Health Care Bd. Oversees)	-	40/2	§ 112-03-01-09
72	Genetic Counseling (Bd. of Medicine Oversees)	-	?	§ 43-60-05 (ABGC/ABMG)
73	Acupuncturists (Integrative Health Care Bd. Oversees)	-	30/2	§ 112-04-03-01

74	Medical Imaging and Radiation Therapy	9	6/1	§ 43-62-04; § 114-02-02-04; § 43-62-14.1
75	Behavior Analysts (Integrative Health Care Bd. Oversees)	-	32/2	§ 112-05-01-10
76	Education Standards and Practices Board	6	Varies	Ch. 15.1-01; N.D. Admin Code Ch. 67.1-02
77	State Board of Law Examiners – Commission for Continuing Legal Education	7	45/3	N.D.R. Continuing Legal Ed. 2; N.D.R. Continuing Legal Ed. 3

TESTIMONY IN OPPOSITION of .01001 Amended SB 2249**PRESENTED BY JAMES SCHMIDT****EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Chairman Louser and Members of the Industry Business and Labor Committee:

I'm James Schmidt, executive director for the North Dakota State Electrical Board and this board already has in its chapter of the code (NDCC Chap. 43-09) the items addressed in the .01001 amended version of SB 2249 and therefore finds it unnecessary and wants to remain exempt.

Similar bills have been proposed in past sessions and have been defeated when the facts of what individual occupational and licensing boards do become fully known.

Since its inception in 1917, the board has licensed electricians, inspected all electrical installations in the state, conducted and monitored continuing education for licensees, supervised apprentice education, created a process for licensing foreign practitioners and financed its own operations without an appropriation. It has also managed all of the other functions of this bill. We currently have an education advisory committee comprised of professional educators from the electrical trade that monitor the required continuing and apprentice education which we don't understand how the labor commissioner can properly analyze this specialized agency any better than our current processes.

We have heard no complaints about the board's licensure process. The board processes over 1,000 applications for licensure each year which

are reviewed and processed on a weekly schedule or more frequently if requested.

The NDSEB is a specialized board overseeing a technical industry. At its core, the board's concern is safeguarding the residents of ND from electrical hazards and financial harm. It is always on the lookout for more efficient means and methods to streamline its procedures, while also maintaining that core function. We therefore urge a do not pass vote on SB 2249 or exempt/remove North Dakota State Electrical Board from this bill.

We thank the Committee for hearing our concerns.



Neutral Testimony
Senate Bill No. 2249
Workforce Development Committee
March 14, 2023

TESTIMONY OF

Katie Ralston Howe, Director, Workforce Development Division

Chair Louser and members of the House Industry, Business, & Labor Committee, my name is Katie Ralston Howe, workforce director for the ND Department of Commerce. In my role, I also have the pleasure of serving as the director of the industry-led Workforce Development Council (WDC), which advises the Governor and the public concerning the nature and extent of workforce development needs in ND and identifies ways to effectively meet these needs. The Council has five core areas on which our work focuses: earlier and more diverse career exploration, addressing the technical skills gap, removing barriers to employment, recruitment and retention of ND workers, and occupational licensure reform. We have subcommittees dedicated to researching and developing recommendations to address challenges each of these areas. Today, I'd like to share information regarding research we've done on occupational licensure in ND throughout the last three years and request that the statutory authority to conduct this research remain with Commerce and the WDC.

In February 2020, the WDC created a subcommittee made up of legislators and a cross-functional group of representatives of those affected by ND's occupational licensing framework, including business and representatives of populations that experience barriers to entering or moving throughout the workforce, such as justice involved individuals, dislocated workers, and military members and spouses. The goal of this subcommittee is to remove unnecessary barriers to employment while preserving the health and safety of ND citizens and promoting competition. To accomplish this, the subcommittee has studied ND's schema for occupational licensing to develop a thorough understanding of licensing in our state; discover best practices; engage licensing boards and commissions; and identify the best path for reform.

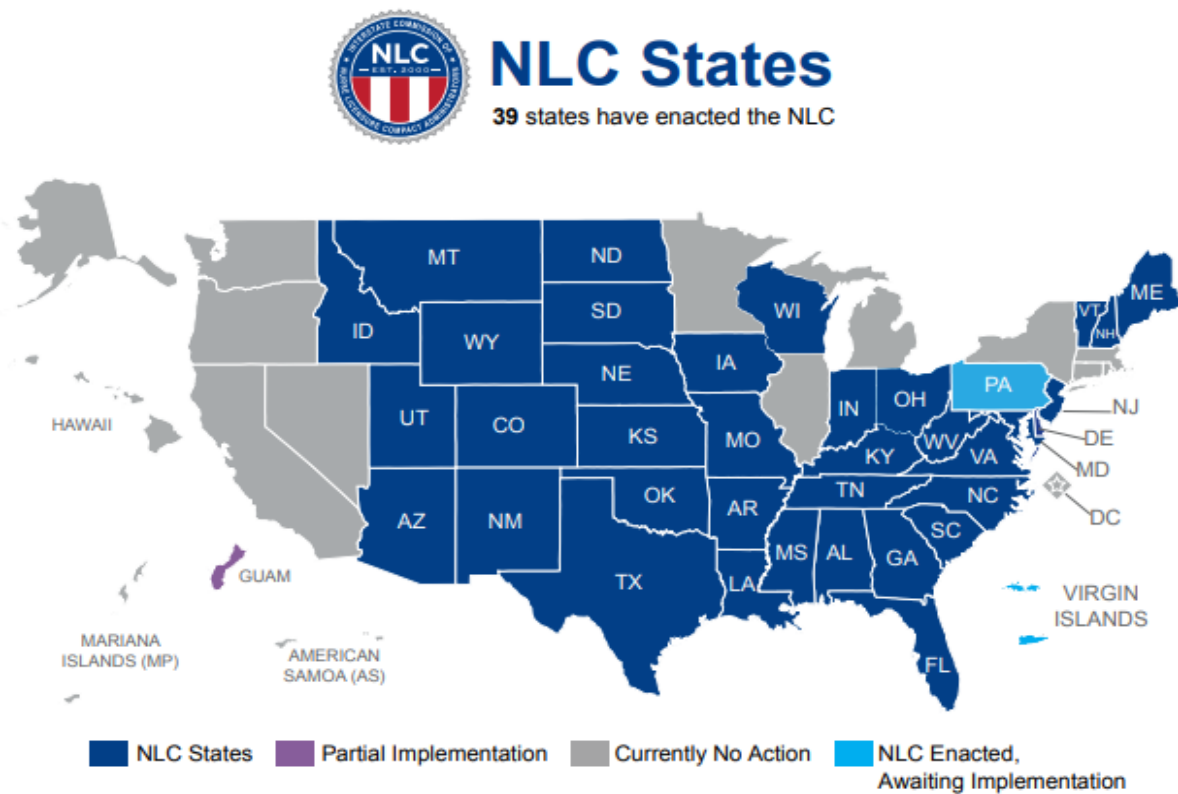
Previous legislation in the 2019 and 2021 Legislative Sessions that gave Commerce the ability to collect information from the boards was primarily focused on expediting licensure for military members and spouses; however, we also asked questions about timeline to licensure, policies related to criminal conviction, initial and continuing education requirements, annual costs for licensees, current reciprocity environment, and more. Engagement with our boards through survey and listening sessions is valuable as it informs future reform efforts related to our goal of removing barriers to employment in ND. Given the success of our efforts to date, our expertise, and alignment with the Workforce Development Council, we believe the authority to study and collect a report from the boards should remain with the Department of Commerce, rather than moving to the Department of Labor and Human Rights.

I'm happy to answer any questions today and as you continue to work on this bill. Thank you.

Educational Resource
Nurse Licensure Compact and National Nursing Continuing Education Requirements
Provided by the NDBON

NLC –

The North Dakota Board of Nursing is a member of the Nurse Licensure Compact (NLC) per NDCC 43-12.4. The NLC allows a registered nurse (RN) and licensed practical/vocational nurse (LPN/VN) to have one multistate license in a primary state of residence (the home state) and to practice in other compact states (remote states), while subject to each state’s practice laws and discipline. See the figure below for the jurisdictions participating in the NLC.



Pending NLC States

Guam: Pending implementation in 2022, tentatively. Nurses holding a multistate license in other NLC states may practice in Guam. Guam residents cannot obtain a multistate license until implementation is complete.

Pennsylvania: NLC enacted July 1, 2021. Implementation date is TBD. Criminal background checks must also be implemented. PA residents cannot obtain a multistate license until implementation is completed. Nurses in other NLC states with a multistate license may not practice in PA until implementation is complete.

Virgin Islands: NLC enacted Dec. 6, 2021. Implementation date is TBD. Criminal background checks must also be implemented. VI residents cannot obtain a multistate license until implementation is completed. Nurses in other NLC states with a multistate license may not practice in VI until implementation is complete.

National Nursing Continuing Education Requirements –

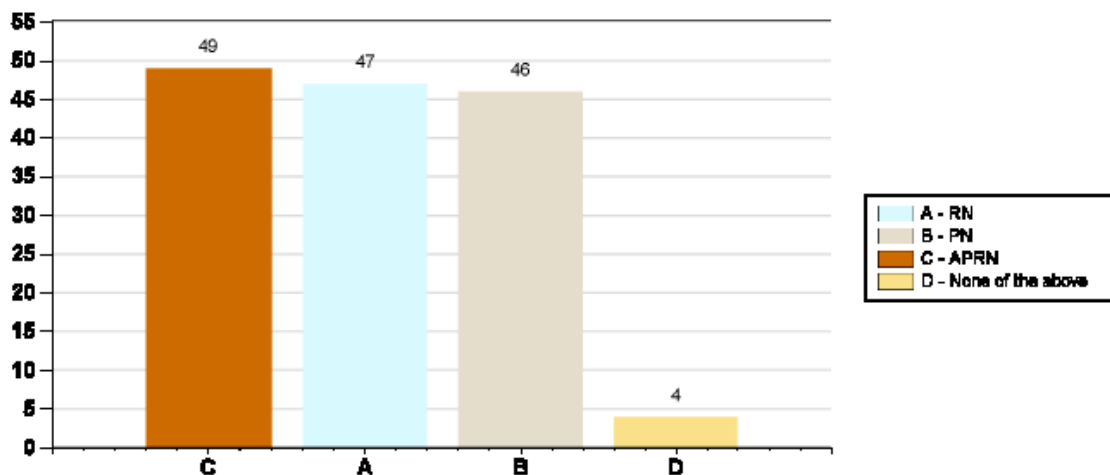
The National Council for State Boards of Nursing (NCSBN) completes an annual survey of all nursing boards. The following details are taken directly from the 2022 survey. These results were received by the Board on 3/14/2023. NDBON requires 12 contact hours of continuing education every two (2) years, which aligns with the majority of states requiring evidence of competency for renewal of licensure. This is significantly less than the number of contact hours required by the majority of other states (as noted in the 3rd figure below).

58 Jurisdictions Included in the report:

Alabama (AL) Alaska (AK) American Samoa (AS) Arizona (AZ) Arkansas (AR) California-RN (CA-RN) California-VN (CA-VN) Colorado (CO) Connecticut (CT) Delaware (DE) District of Columbia (DC) Florida (FL) Georgia (GA) Guam (GU) Hawaii (HI) Idaho (ID) Illinois (IL) Indiana (IN) Iowa (IA) Kansas (KS) Kentucky (KY) Louisiana-PN (LA-PN) Louisiana-RN (LA-RN) Maine (ME) Maryland (MD) Massachusetts (MA) Michigan (MI) Mississippi (MS) Missouri (MO) Montana (MT) Nebraska (NE) Nebraska-AP (NE-APRN) Nevada (NV) New Hampshire (NH) New Jersey (NJ) New Mexico (NM) New York (NY) North Carolina (NC) North Dakota (ND) Northern Mariana Islands (CNMI) Ohio (OH) Oklahoma (OK) Oregon (OR) Pennsylvania (PA) Rhode Island (RI) South Carolina (SC) South Dakota (SD) Tennessee (TN) Texas (TX) Utah (UT) Vermont (VT) Virgin Islands (VI) Virginia (VA) Washington (WA) West Virginia-PN (WV-PN) West Virginia-RN (WV-RN) Wisconsin (WI) Wyoming (WY)

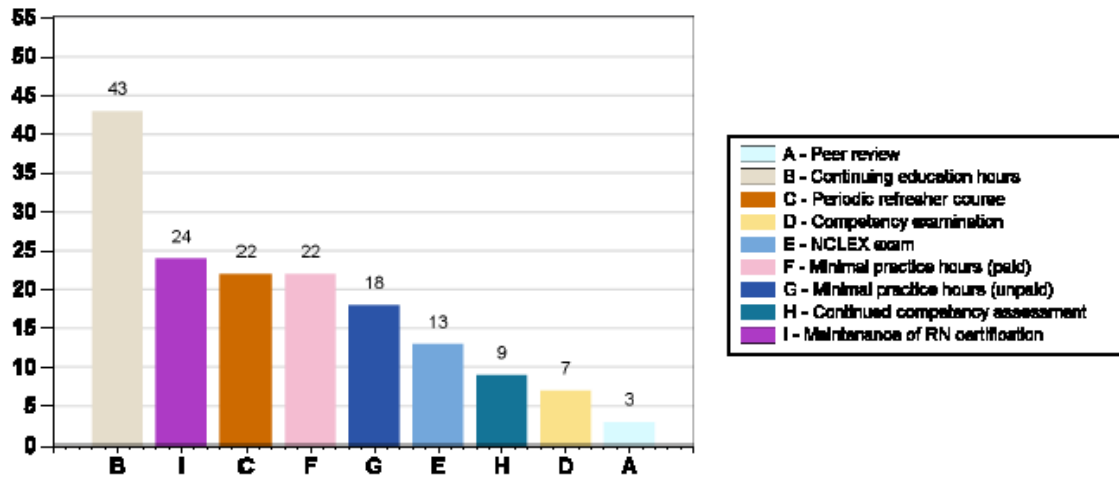
1 Jurisdiction not included in the report due to non-response: Minnesota (MN)

Q95 Which professions require continued competency for renewal of license? (Check all that apply.)



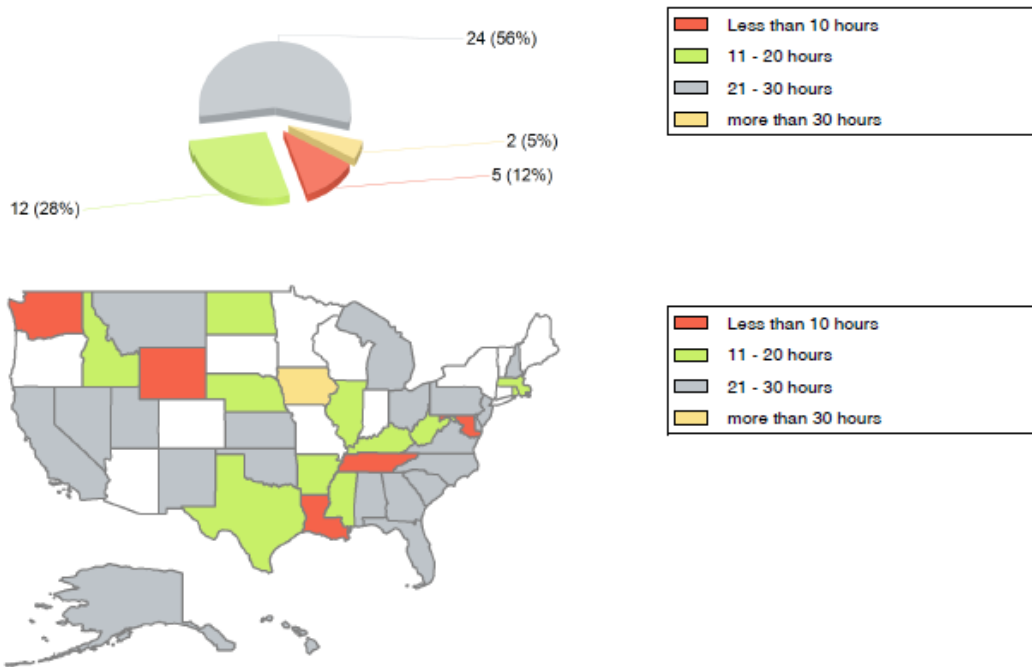
Responses	Jurisdictions	Number of Boards	Percentage of Boards Responding
RN	AK, AL, AR, AS, AZ, CA-RN, CNMI, DC, DE, FL, GA, GU, HI, IA, ID, IL, KS, KY, LA-RN, MA, MD, MI, MS, MT, NC, ND, NE, NH, NJ, NM, NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VI, VT, WA, WV-RN, WY	47	81%
PN	AK, AL, AR, AS, AZ, CA-VN, CNMI, DC, DE, FL, GA, GU, HI, IA, ID, IL, KS, KY, MA, MD, MI, MS, MT, NC, ND, NE, NH, NJ, NM, NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VI, VT, WA, WV-PN, WY	46	79%
APRN	AK, AL, AR, AS, AZ, CNMI, CT, DC, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA-RN, MA, MD, ME, MI, MO, MS, MT, NC, ND, NE-APRN, NH, NM, NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VI, VT, WA, WV-RN, WY	49	84%
None of the above	CO, LA-PN, NY, WI	4	7%

Q96. Which of the following methods can be used to meet continued competency requirements for RNs? (Check all that apply)



Responses	Jurisdictions	Number of Boards	Percentage of Boards Responding
Peer review	ID, NJ, TN	3	6%
Continuing education hours	AK, AL, AR, AS, CA-RN, CNMI, DC, DE, FL, GA, GU, HI, IA, ID, IL, KS, KY, LA-RN, MA, MD, MI, MS, MT, NC, ND, NE, NH, NJ, NM, NV, OH, OK, PA, RI, SC, TN, TX, UT, VA, VI, WA, WV-RN, WY	43	91%
Periodic refresher course	AK, AZ, CNMI, DC, GA, GU, IA, ID, LA-RN, MI, MS, NC, ND, NE, NH, NV, OK, SC, TN, VA, WA, WY	22	47%
Competency examination	AK, AZ, GU, ID, KY, LA-RN, TN	7	15%
NCLEX exam	AK, CNMI, GU, HI, ID, ND, NV, OK, PA, SC, TN, VI, WY	13	28%
Minimal practice hours (paid)	AK, AZ, DE, GA, ID, LA-RN, MD, NC, ND, NE, NH, NV, OK, OR, SD, TN, UT, VA, VI, VT, WA, WY	22	47%
Minimal practice hours (unpaid)	AK, AZ, DE, ID, NC, ND, NE, NH, NV, OR, SD, TN, UT, VA, VI, VT, WA, WY	18	38%
Continued competency assessment	AZ, GU, ID, KY, LA-RN, MI, NE, SC, TN	9	19%
Maintenance of RN certification	AK, AR, CNMI, DC, FL, GU, HI, IA, ID, KY, LA-RN, MD, MS, NE, NH, NM, OK, SC, TN, TX, VA, VI, WA, WV-RN	24	51%

Q97. How many continuing education hours are required for RNs?



*PN BONs and US Territories are not displayed on the map. For detailed information, please see the text responses below.

Responses	Jurisdictions	Number of Boards	Percentage of Boards Responding
Less than 10 hours	LA-RN, MD, TN, WA, WY	5	12%
11 - 20 hours	AR, ID, IL, KY, MA, MS, ND, NE, RI, TX, VI, WV-RN	12	28%
21 - 30 hours	AK, AL, AS, CA-RN, CNMI, DC, DE, FL, GA, HI, KS, MI, MT, NC, NH, NJ, NM, NV, OH, OK, PA, SC, UT, VA	24	56%
more than 30 hours	GU, IA	2	5%



State of North Dakota
Doug Burgum, Governor

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Mark J. Hardy, PharmD
Executive Director

SB 2249 – Centralization of Administration of Boards
House Industry Business and Labor Committee – JW327C
9:00 AM - Monday – March 20, 2023

Chairman Louser and Members of the House Industry Business and Labor Committee, for the record I am Mark Hardy Executive Director of the North Dakota State Board of Pharmacy.

The Board of Pharmacy is concerned with the provision in this bill giving the duty to the Labor Commissioner to specifically prepare and introduce legislation, which may not consider the intricacies of each individual profession. I appreciate the previous testimony of the current Labor Commissioner and his commitment to take the input of Boards before making a policy recommendation.

However, the unilateral decision-making power is very concerning. It is important to note that this duty seemingly would be ongoing and not limited to the next biennium, which may be contrary to the intent in Section 2. I would like to highlight the fact that these topics largely, have been studied under the direction of the legislature by the Department of Commerce just a few years ago.

To address the issues at hand in the bill, the Board of Pharmacy has long established continuing education standards that has suited the profession well and provides the assurance to the public of continuing competencies in the practitioners they interact with. Secondly, the Board has a well-established electronic license transfer system for pharmacists to transfer licensure to allow an efficient and safe allowance for Pharmacists to practice in the state. This is both for individuals moving into North Dakota, as well as those that would want to practice remotely to residents in North Dakota. This program is used by all states in the country and is an efficient model which maintains the states' rights to govern without delegating to other state's licensures. We are traditionally licensing a pharmacist within a couple days of receiving an application, fee and successful testing results. However, the stated goal in the legislation to license within 3 days of application, while good intentioned, may be challenging for many, including those Board requiring a criminal background check.

We appreciate the Committee's consideration from our testimony on this bill. I would be happy to answer any questions you may have.

HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE
MARCH 20, 2023

Testimony of the State Board of Law Examiners
SENATE BILL NO. 2249

Chair Louser and members of the Committee, I am Petra Mandigo Hulm, Secretary/Treasurer of the State Board of Law Examiners, Clerk of the Supreme Court, and Secretary of the Disciplinary Board for lawyers. I manage the operation of the State Board of Law Examiners. I am appearing on behalf of the State Board of Law Examiners in opposition to Senate Bill 2249.

The State Board of Law Examiners requests to be exempted or removed from this bill.

Article VI, Section 3 of the North Dakota Constitution, the power to regulate the admission of attorneys was given to the Supreme Court, which acts on the recommendation of the State Board of Law Examiners. To our knowledge, it is the only board discussed in the constitution and in terms of separation of powers. It was adopted in 1977 after a vote of the people.

The State Board of Law Examiners is also not a board under Title 43 like the other boards with which you are probably familiar. Instead, it is governed by N.D.C.C. Chapters 27-11, 13 and 14.

The practice of law is a matter of vital interest to the general public, because lawyers are engaged in the preservation and protection of fundamental liberties of the people. This task should be left to the Judicial Branch and the State Board of Law Examiners, and not the Legislative Branch and/or the Executive Branch. The Judicial Branch has a procedure for amendment of its rules governing admission of attorneys. The Board is not opposed to examining these issues, but the best way to do so is through the Judicial Branch.

North Dakota is known nationally in the attorney admission and licensing area as being progressive in removing unnecessary barriers for people to apply and become admitted and licensed to practice law, while still maintaining protection of the public. With respect to the Board, there are multiple conferences and training sessions annually on a national level for examination and admission experts. The staff and board members attend many, if not all, of the offered national education as well as other remote education.

This legislation is also unnecessary as to the Board of Law Examiners. The Board has removed barriers to law students and out-of-state licensed attorneys to practice in North Dakota.

We ask the committee to also refer to Scott K. Porsborg's testimony submitted on this bill to the Senate Workforce Development Committee.

We respectfully request ask the committee exempt or remove the State Board of Law Examiners from this bill.

Arizona's First-In-The-Nation Universal Licensing Recognition Law Takes Effect

Among all the things you have to do when you move to a new state, jumping through hoops to obtain a new license in order to work in your chosen field shouldn't be one of them. Thanks to a new law that goes into effect this week, you won't have to if you're moving to Arizona.

Under a bill signed into law by Gov. Doug Ducey following bipartisan legislative support, Arizona is now the first state in the country with universal licensing recognition. From barbers to bakers, engineers to embalmers, all are welcome to Arizona to continue working in their field.

The new law removes a significant hurdle for those looking to make Arizona their new home, which is great news for employers and employees alike. Those who have invested hours and money to gain a professional license in their current state can move to Arizona and immediately get to work in their chosen profession without the delays and costs that result from redundant state requirements.

A government-issued occupational license is required to gain entry into a wide variety of professions. Laws governing these licenses have been under scrutiny around the country. Although intended to protect consumer health and safety, many times the laws and regulating institutions create unnecessary burdens that hinder workers, squelch competition, and slow down or restrict access to a needed labor force. Not to mention they lessen worker mobility when an employee new to the state must retest or duplicate training in order to obtain a license for the same job.

The Institute for Justice, which has looked at licensing laws around the country, has called Arizona's the 4th most burdensome in the nation. According to their research, occupational licenses in Arizona require an average of \$612 in fees, more than two years of education and experience, and approximately two exams.

Arizona has worked hard to reduce bureaucracy for those licensed professionals.

In 2017, lawmakers made it possible for out-of-state teachers with a good record to move to Arizona and start teaching on day one. Across the country, there are states that make it nearly impossible for a teacher with years of experience to receive a license without paying for additional college classes and certification tests. This was hurting Arizona schools and teaching professionals.

No longer is that the case in Arizona. We are a full reciprocity state.

This session lawmakers eliminated the roadblock for already-licensed professionals in other industries. In signing the bill, the Governor's Office made clear that licensed professions must still obtain an Arizona license, but will not be required to duplicate training or other requirements in order to receive it.

To receive a license, applicants must have been licensed in their profession for at least a year, be in good standing, and complete any necessary background checks.

Professionals don't lose their skills simply because they cross state lines.

And, it goes a long way to expediting the process of bringing together trained workers who want a job with employers who have jobs.

Arizona's economy is booming, with new opportunities available to individuals from all sorts of professions. Avoiding the hassle of re-licensing can be a very real reason for someone to stay put rather than move to a new state, even for a great opportunity or better quality of life. In Arizona we've done a great job of removing any barriers to those looking to come here and bring their skills. Universal licensing recognition is one more way Arizona is making itself the most attractive place in the country to live, work, learn, and play.

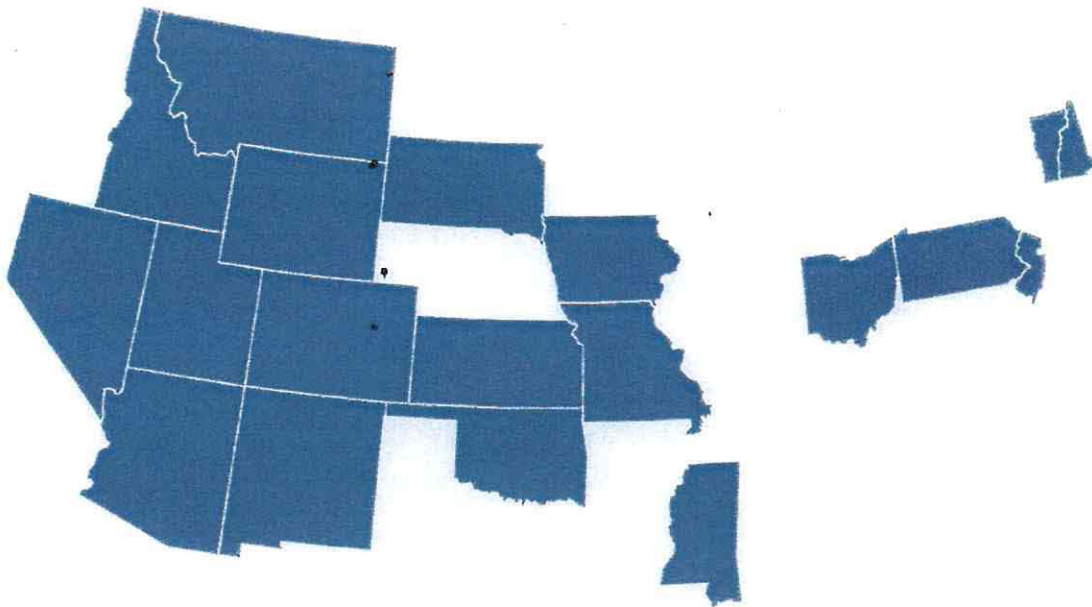
Read more about occupational licensing in this Arizona Chamber Foundation FAQ. A for Arizona has more details on teacher certification here and Chamber Business News has the story on this session's occupational licensing laws.

State Reforms for Universal License Recognition

Occupational licensing affects nearly 1 in 5 American workers and can be a substantial barrier to interstate mobility. In order to foster a more open and prosperous economy, states are enacting universal recognition for out-of-state licensees. Under universal license recognition, eligible applicants must hold a license in good standing in their home state. Applicants also cannot have any pending disciplinary action from the relevant board or a criminal record that would disqualify them from obtaining the license in the recognizing state. Applicants may still be required to pay fees or take exams administered by the board in the recognizing state. Universal recognition does not affect interstate compacts.

Universal Recognition for Occupational Licensing

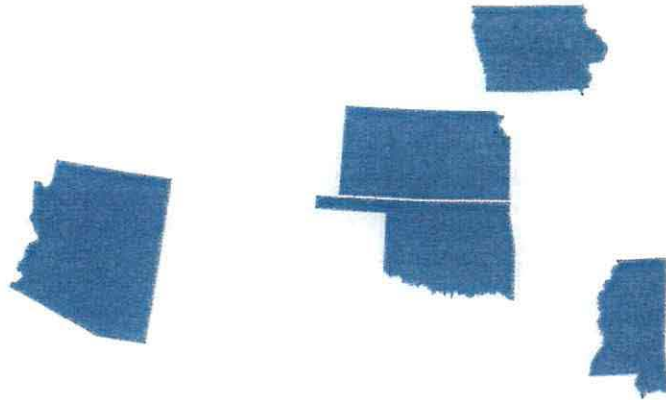
Today, 19 states have enacted universal license recognition.



However, universal recognition can differ quite drastically from state to state. Multiple states have imposed additional rules and requirements that thwart license portability and workforce mobility, undermining the main goals of universal license recognition.

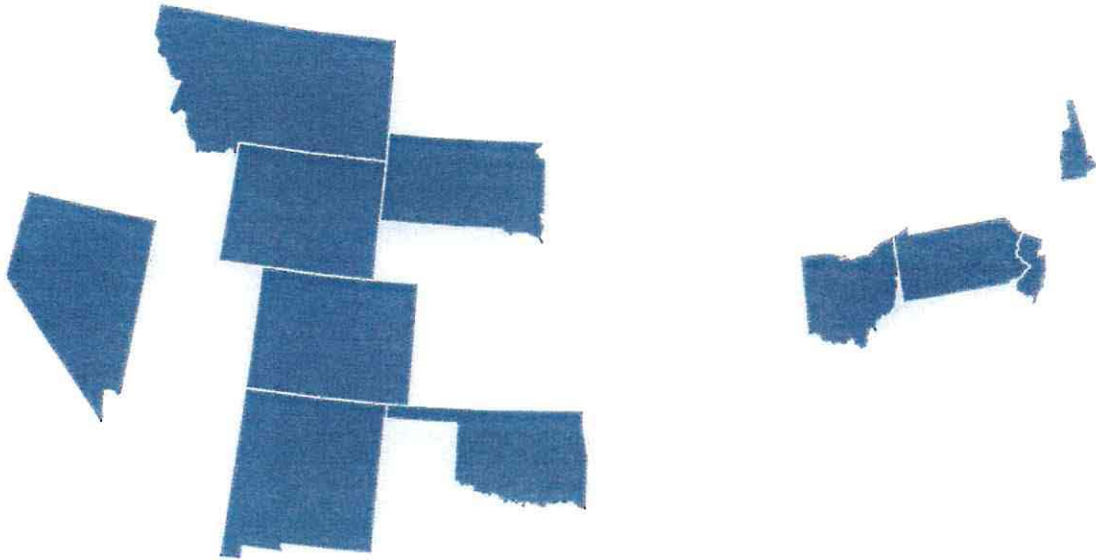
Residency Requirements

Five states limit universal license recognition to residents.



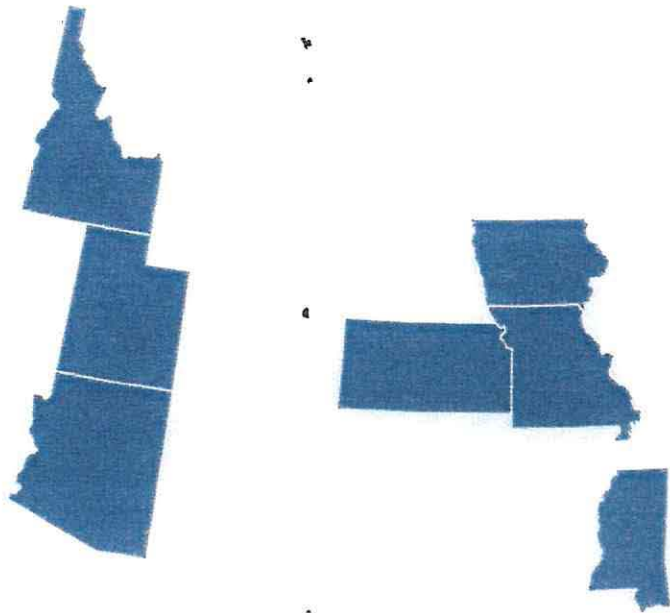
“Substantially Equivalent” Requirements

In 11 states, boards only grant licensure if the home state license requires “substantially equivalent” education, experience, or training. That effectively penalizes states with less burdensome requirements.



Similar "Scope of Practice"

In contrast, seven states allow universal recognition of a home state license if it has a similar "scope of practice" or "at the same practice level" to the recognizing state's license. This means a board does not have to compare and contrast the license requirements between the two states:



Recognizing Experience in States Without Licensure

In three states, applicants from states that didn't license the occupation can still obtain a license to work if they have at least three years of experience in that occupation.

Breaking Down Barriers to Work with Universal Recognition

Frequently Asked Questions

Fast Facts:

- As of January 2023, the following states have enacted broad universal recognition:
 - Arizona, Colorado, Idaho, Iowa, Kansas, Mississippi, Missouri, Montana, Ohio, Pennsylvania, Utah, and Wyoming.
 - Other states, like New Jersey, Oklahoma, and South Dakota, have passed a lighter version of the reform with an eye toward broader recognition in the future.
 - Arkansas, Indiana, and Louisiana have enacted reforms to extend universal recognition to military spouses.
- Over **6,000** licenses have been granted in Arizona since universal recognition went into effect in late 2019, in professions ranging from medicine to engineering to cosmetology.
- **Fewer than 30 occupations are licensed in all 50 states.** The recognition of work experience and private certification ensures all skilled professionals have a pathway to licensure free of duplicative training or testing requirements, regardless of whether their former state licensed the occupation.
- Universal recognition does **not** delicense any profession.

What is universal recognition?

Universal recognition is a pro-growth policy which recognizes out-of-state occupational licenses based on the training or testing requirements a licensed applicant has already completed. It does not delicense any profession; rather, it eliminates costly, time-intensive, and often unnecessary barriers to work.

[View Model Legislation \(https://www.goldwaterinstitute.org/wp-content/uploads/2023/01/Breaking-Down-Barriers-to-Work-Act-2020.pdf\)](https://www.goldwaterinstitute.org/wp-content/uploads/2023/01/Breaking-Down-Barriers-to-Work-Act-2020.pdf)

[View Universal Recognition FAQ \(https://www.goldwaterinstitute.org/wp-content/uploads/2023/01/Universal-Recognition-January-2023.pdf\)](https://www.goldwaterinstitute.org/wp-content/uploads/2023/01/Universal-Recognition-January-2023.pdf)

Who is qualified to receive a license under this reform?

Only licensed professionals who have held a license for one year in good standing and were required to pass an examination or complete education, training, or experience requirements to obtain that license are eligible to receive a license under universal recognition. Veterans and service members who received a military occupational specialty during their time in service are also eligible under recognition.

Why should a state adopt universal recognition?

As America's workforce becomes increasingly mobile, professionals have more choices than ever about where to build their lives and careers. Occupational licenses are often obtained at great personal and financial expense and many professionals take deep pride in the investment they have made in order to work in their field of choice. Rather than require skilled professionals to interrupt their careers to invest more time and more money simply to continue work that they already been doing elsewhere, states can signal that they choose to welcome workers with a red carpet, not red tape. By eliminating hurdles, states can help new arrivals get back to work faster so they can continue to support their families, grow their careers, and contribute to their communities. Licensing reform not only benefits workers and their families but is a boon for employers and consumers in the state who will benefit from the increased options and price competition that accompany an influx of skilled labor.

Is universal recognition a bipartisan reform?

Universal recognition has a history of bipartisan success. Across the country, universal recognition laws passed through their respective legislatures with strong if not unanimous support from Republicans and Democrats alike. Senior leadership at the Department of Defense, military spouse support organizations, and administrations at the state and federal level, from President Obama to President Trump, have identified onerous licensing hurdles as a key element ripe for reform to improve the lives of service members, military spouses, and other professionals.

How does this bill protect public health and safety?

Universal recognition benefits licensed professionals who are safely and productively working in their fields while preventing bad actors from slipping through the cracks. Only licensed professionals in good standing are qualified to receive a license under universal recognition. A person whose license is not in good standing or who has a disqualifying

criminal record is not eligible. Further, an applicant who has surrendered his or her license or had it revoked for negligence or misconduct in any state is not eligible. If an applicant has a complaint, allegation, or investigation pending in the licensing state, this state's boards are empowered to determine if the matter has been resolved to their satisfaction.

Does universal recognition lower the bar for testing or training?

Universal recognition lowers barriers to work, not the bar for testing or training. State-to-state licensing requirements can vary by hundreds of hours of training. Any difference that exists between the licensing qualifications of this state and those of the out-of-state license is overcome by the on-the-job training that occurs during the one year of work experience received by the applicant prior to eligibility under this reform. Further, some states may require a licensee to pass one test while another state may require three tests in order to work in the same occupation. If a skilled professional has completed qualifications in one state and has been safely and productively working in an occupation with a similar scope of practice, additional testing is unnecessary.

What is scope of practice, and what role does it play in universal recognition?

Scope of practice refers to the procedures, actions, processes and work that a person may perform under an occupational license or government certification issued in a given state. The scope of practice for a specific license is determined by the regulating board of this state. Universal recognition allows for a license to be issued to an out-of-state applicant only if the state's licensing board determines that the license applied for covers a similar scope of practice as the license currently held by the applicant. If the board determines that the applicant's license does not cover a similar scope of practice as the license he or she is applying for, it has the ability to deny the license or to require the applicant to complete additional training.

Who determines if an out-of-state license has a similar scope of practice?

This state's relevant occupational licensing board makes the determination if an out-of-state occupational license covers a similar scope of practice as the in-state license offered by the board.

Why does this reform prioritize scope of practice over “substantially similar” or “substantially equivalent” training or experience standards?

The use of scope of practice as a key feature empowers the licensing boards in this state to concentrate their area of consideration to whether an individual has already been approved to perform similar duties under their out-of-state license. It offers a more consistent approach to assessing the ability of an applicant to perform the duties of the license they seek. Education, training, and testing can vary greatly from state to state: indeed, some states don't even require licenses for certain occupations, much less education, training, or testing. Under universal recognition, boards have clear direction on what they are empowered to consider. They no longer need to devote unnecessary time to comparing education or training requirements across all 50 states, and applicants are no longer required to duplicate testing or training.

"Substantially similar" or "substantially equivalent" language is typically used in relation to education or training requirements and can allow a board to deny licenses to licensed applicants who are already working in the field but whose state has chosen to require different standards, or perhaps no license at all. In most cases, a person is not able to receive a full license until he or she has completed the additional education or training requirements of the new state, adding time and cost to the process. Boards should, instead, recognize that any difference between training hours is far outweighed by the on-the-job experience received by the applicant. While an applicant is required to have passed a licensing test or to have completed education, training, or experiences requirements, their state's requirement should not be used against them.

Why recognize work experience and private certification as a pathway to licensure?

Fewer than 30 occupations are licensed in all 50 states. As such, there will certainly be cases where an individual may arrive into this state having worked in a professional field in a state where an occupational license was not required. Rather than discount the time and experience of that professional, universal recognition offers a pathway to help states manage the real-world implications of state-to-state regulatory inconsistencies. If a person has been safely working in a lawful application with a similar scope of practice for at least three years, they are eligible to receive a license at the same practice level. If a person holds a private certification in good standing for a lawful occupation and has worked two years in that occupation, they are eligible to receive a license under universal recognition.

What if an applicant is licensed in more than one state?

In order to receive a license under universal recognition, an applicant must be in good-standing with all states in which he or she is licensed.

Some occupations require knowledge of state-specific laws and rules. How does this reform address this issue?

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Title.03000

Adopted by the Industry, Business and Labor
Committee

March 28, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

Page 1, line 3, remove "and"

Page 1, line 3, after "date" insert "; and to declare an emergency"

Page 1, line 16, replace "shall prepare and request" with "may recommend"

Page 2, line 7, replace "shall prepare and request" with "may recommend"

Page 2, after line 10, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency
measure."

Re-number accordingly