

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1372**

# 2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Room JW327C, State Capitol

HB 1372  
2/7/2023

<b>Relating to occupational and professional licensing of foreign practitioners who are residents of the state.</b>
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**Chairman Louser** called to order 9:17 AM.

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

Member absent: Representative Kasper.

## Discussion Topics:

- Out of state licensees
- Standards of licensure of individual states
- License transfer program

## In favor:

**Representative Nathan Toman**, District 34, Mandan (no written testimony)

## Opposed:

**Mark Hardy**, Executive Director, State Board of Pharmacy, #19390.

**Dr. Rebecca Pitkin**, Executive Director, ND Education Standards and Practices Board, #19427.

**James Schmidt**, Executive Director ND State Electrical Board, #19355.

**Bill Kalanek**, Owner of APT (no written testimony).

**Scott Porsborg**, Attorney ND State Electrical Board (no written testimony)

**Representative Koppelman** moved a do not pass.

**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	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	AB
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 will carry the bill.**

**Additional written testimony:**

**Adam Kidwell**, Professional electrician, Minot ND, #19388

**Chairman Louser** adjourned the meeting 9:50 AM

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1372: Industry, Business and Labor Committee (Rep. Louser, Chairman)**  
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1372 was placed on the Eleventh order on the calendar.

**TESTIMONY**

**HB 1372**

**TESTIMONY OPPOSED TO HB 1372  
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 on behalf of the North Dakota State Electrical Board. We believe this bill is unnecessary, as applied to the Electrical Board, and perhaps harmful to our reciprocity with other states.

We believe our current licensure process imposes the minimum burden necessary to protect ND citizens from both life safety concerns and financial harm. Throughout all of the testimony on this bill and similar bills in the past, there has been no indication any foreign practitioner has had undue difficulty obtaining an electrical license in ND. The board processes over 1,000 applications for licensure each year which are reviewed and responded to 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 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 take a placement exam which puts them on the path to full licensure. Again, we believe our current licensure process imposes the minimum burden necessary to protect ND citizens from both life safety concerns and financial harm.

We therefore urge a do not pass vote on HB 1372, or an amendment to allow the electrical board to remain exempt, as it is currently exempt from other provisions in chapter 43-51.

We thank the Committee for hearing our concerns and I would be happy to answer any questions the committee may have.

2/6/2023

HB 1372

Chairman Louser and members of the Industry Business and Labor Committee,

I would like to take a moment to express my OPPOSITION to HB1372,

Although I can appreciate what I believe Rep. Toman [Et al.] intended with this bill, I believe there would be some negative consequences in applying this to electrical licensing. I believe that our state electrical board does a great job reviewing such applicants coming from other states (or countries) who apply for electrical licensing. I have been an electrician in this state for over 20 years, and have worked with people from all over the country. These men and women were able to obtain a license to work in North Dakota through reciprocity. The reciprocity agreements that our state maintains with others provides a quick and easy process for obtaining an electrical license. I do not believe that any qualified electrical worker would find it difficult to obtain a license here, unless they have unintentionally sabotaged themselves or are just plain not qualified.

Any change in the legislature that affected reciprocity agreements would be harmful, rather than helpful. As a professional electrician, I would like to respectfully request that committee members issue a do not pass on this bill or exempt the state electrical board from this language.

I am sorry that I will be unable to provide this testimony in person, but please feel free to contact me for any questions.



Adam Kidwell

Minot, ND

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Doug Burgum, Governor

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**Mark J. Hardy, PharmD**  
**Executive Director**

**House Bill No 1372 – Licensure of Foreign Practitioners**  
 House Industry, Business and Labor Committee – JW327C Room  
 Tuesday - February 7<sup>th</sup>, 2023 – 8:00 AM

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

I appreciate the opportunity to discuss with you our concerns on House Bill 1372 today.

The Board of Pharmacy is very concerned with the language in this bill mandating Boards to issue provisional licenses to practice without assuring competencies are met and there is no disciplinary action to be considered.

One large issue with this approach is we would delegate licensing decisions to that of another state. In the case of our profession, we could have a pharmacist who had disciplinary actions in another state pending, which we would have no awareness of, potentially getting a “provisional” license to practice in our state. It sets a dangerous precedent to trust another state’s decisions when it is North Dakota citizens that are at risk.

I think the Committee would be wise to examine a study commissioned by the Department of Commerce a couple of years ago indicating the efficiency in which Boards operate with a median of 7 days to issuance of licenses in the state.

The Board of Pharmacy has safeguards in place to ensure the individuals are properly educated and trained to practice pharmacy for the wellbeing and safety of the citizens in North Dakota. The North Dakota Board of Pharmacy currently participates in an electronic license transfer program [eLTLP] through the National Association of Boards of Pharmacy [NABP] in which all 50 states are members and participate. With eLTP a pharmacist licensed by one jurisdiction can request licensure transfer; their licensure is then verified along with any disciplinary actions and electronically sent to the state the professional wishes to become licensed. Understandably, Boards of Pharmacy are more mature with this capability due to the unique aspects of our profession

For our profession, specifically, the legal competency is such a critical aspect of pharmacy practice. There are tremendous variations in controlled substance laws, dispensing and professional responsibility laws across state lines making pharmacists a safeguard between the prescribing practitioner and the patient.

The current license transfer process is very easy to navigate, allowing a candidate to sit for the computerized law test at a testing center of their choice, wherever is most convenient, and the results, on average, are reported within just a couple of days.

The language used in this proposal originated through an attempt to meet Department of Defense standards of military members and military spouses transition between states. This was designed for a very narrow group due to their transient nature of military service and represents a small, low risk group.

The Board of Pharmacy respectfully asks for Do NOT Pass vote on HB 1372. In the alternative, we would ask for an exemption similar to that given the Board of Medicine.

Thank you for listening to my testimony and I will be happy to answer any questions.



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**Testimony HB 1372**  
**House Industry, Business and Labor Committee**  
**February 7, 2023; 8:00 A.M.**  
**Education Standards and Practice Board**  
**Dr. Rebecca Pitkin**

Good morning, Chairman Louser, and members of the Industry Business and Labor Committee.

My name is Rebecca Pitkin, and I am the Executive Director of the Education Standards and Practices Board (ESPB) and I am here to provide testimony in opposition to HB 1372. The bill language does not provide a clear definition of “resident of the state” and a search reveals multiple interpretations of this term. In addition, the Education Standards and Practices Board has an Out of State Reciprocal (OSEL) license process which is much faster than the language proposed in Section 4 of the bill, the only section of the bill that applies to ESPB. If an individual has a valid license in another state ESPB can issue the license in just days, after the applicant receives a clear background check. ESPB also has provisions to enable applicants to begin work immediately, prior to the background check being completed, upon issuance of a 40-day provisional license, which is issued at the request of both the individual and the district, while waiting for the FBI/BCI background check to be completed. Our satisfaction survey results indicate applicants are more than satisfied with our current process and frequently express gratitude for our expedited processes. Finally, the language proposed in the bill is more restrictive than the recently passed Public Law 117-333 which took effect January 5, 2023.

On behalf of our board, I urge a do not pass vote on HB 1372. This concludes my testimony and I will respond to any questions.