

Expansion of Military Spouse and Servicemember’s Expedited Licensure; Expedited Occupational and Temporary Credentialing during States of Emergency; Sub. for HB 2066

Sub. for HB 2066 amends law to shorten the period of time in which regulatory bodies are required to issue occupational credentials to military servicemembers or military spouses seeking to establish residency in Kansas and provide for expedited credentialing of non-military prospective residents.

The bill expands and clarifies conditions on expedited occupational credentialing and permits temporary credentialing during states of emergency and the use of electronic credentials.

Expedited Credentialing

The bill requires licensing bodies to issue the appropriate credential to a military servicemember or spouse within 15 days from the date of the submission of a “complete application,” as defined by the bill, or within 45 days for all other applicants. Currently, credentials are to be issued to military servicemembers and spouses within 60 days.

Probationary Credentialing

Current law requires expedited out-of-state credentials to be issued for a six-month probationary period for military servicemembers and military spouses who do not qualify under the applicable Kansas law by endorsement, reinstatement, or reciprocity statutes but meet certain other requirements. The bill modifies this provision by giving discretion to licensing bodies to grant credentials to applicants and also modifies the qualifications for credentialing, such that any applicant is required to:

- Hold a valid out-of-state current credential from another state, district, or territory of the United States that authorizes a similar scope of practice, as defined by the bill. Current law requires the credential to be equivalent to that established by the relevant Kansas licensing body;
- Have worked for at least one year in the relevant occupation;
- Not have a disqualifying criminal record; and
- Show proof of solvency, financial standing, bonding, or insurance as required by the licensing body.

The bill defines “scope of practice” as procedures, actions, processes, and work a person may perform under a government-issued credential.

The bill provides for probationary credentialing on the basis of work experience. Licensing bodies are granted discretion to issue a probationary credential to an applicant who:

- Worked in an occupation that was not a regulated profession in the other state for at least three of the four immediately preceding years; and
- Does not hold a valid out-of-state current credential from another state, district, or territory of the United States that authorizes a similar scope of practice, but who otherwise meets the requirements for probationary credentialing.

The bill also provides for probationary credentialing on the basis of “private certification” as defined by the bill to mean a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

Licensing bodies are granted discretion to issue a probationary credential to an applicant who:

- Holds a current and valid private certification;
- Worked in an occupation that was not a regulated profession in the other state for at least two years;
- Is in good standing by the organization that issued the private certification; and
- Otherwise meets the requirements for probationary credentialing.

The bill grants the right to deny probationary credentials based on private certification or work experience if the licensing body finds on specific grounds that issuing a credential would jeopardize the public health and safety.

Temporary Permits

The bill provides for licensing body issuance of temporary occupational permits to applicants whose out-of-state credential, private certification, or work experience is determined by the licensing body to not authorize a similar scope of practice, provided that doing so would not jeopardize the public health and safety.

Temporary occupational permits allow applicants to lawfully practice their occupation while completing any specific requirements to practice in Kansas that were not required in the other state.

Provided that an applicant meets all other qualifications:

- If the applicant is a military servicemember or spouse, a licensing body is required to issue such permits, or
- If the applicant is not a military servicemember or spouse, a licensing body has discretion to issue such permits.

State of Emergency Credentialing

The bill permits licensing bodies to grant temporary licenses to practice during a state of emergency declared by the Legislature, if the licensing body determines the applicant's qualifications are sufficient to protect the public health and safety.

Electronic Credentialing

The bill grants licensing bodies the ability to issue credentials that are valid for verification purposes when displayed electronically. Licensing bodies are able to determine the format and requirements for the use of such credentials, including the use of third-party systems.

General Provisions

The bill allows licensing bodies to allow an applicant who has not worked in their occupation for the preceding two years to complete additional testing, training, monitoring, or continuing education necessary to establish the applicant's ability to practice in a manner that protects the public health and safety. However, the bill limits additional requirements to matters required by Kansas law that are materially different from the laws of the other state.

The bill is not to be construed to conflict with federal law, multi-state compacts, rule, regulation, reciprocal, or other statutory provision, or to prohibit a licensing body from denying a credential based upon the possible endangerment of the public health and safety. The bill requires all proceedings to be conducted in accordance with the Kansas Administrative Procedure Act and be reviewable under the Kansas Judicial Review Act.

The bill specifies the provisions of the bill shall not be construed to be in conflict with any applicable Kansas scope of practice limitation and Kansas scopes of practice apply to applicants receiving credentials under the provisions of the bill.

The bill applies to all licensing bodies except those relevant to the practice of law or the regulation of attorneys. The bill specifically names the following bodies that are subject to the provisions of the bill:

- Abstracters' Board of Examiners;
- Board of Accountancy;
- Board of Adult Care Home Administrators;
- Secretary for Aging and Disability Services (with respect to KSA 65-5901, *et seq.* [the Dietitians Licensing Act], and KSA 65-6503, *et seq.* [regarding speech-language pathologists or audiologists]);
- Kansas Board of Barbering;

- Behavioral Sciences Regulatory Board;
- Kansas State Board of Cosmetology;
- Kansas Dental Board;
- State Board of Education;
- Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments;
- Board of Examiners in Optometry;
- State Board of Healing Arts, the Secretary of Health and Environment (with respect to KSA 82a-1201, *et seq.*);
- Commissioner of Insurance (with respect to KSA 40-241 and 40-4901, *et seq.*);
- State Board of Mortuary Arts;
- Board of Nursing;
- State Board of Pharmacy;
- Kansas Real Estate Commission;
- Real Estate Appraisal Board;
- State Board of Technical Professions; and
- State Board of Veterinary Examiners.

The State Board of Healing Arts is permitted to deny a credential or temporary license to an applicant if it is determined the individual's qualifications are not substantially equivalent to those established by the Board. This exemption also applies to the State Board of Technical Professions, provided an applicant is seeking a credential to practice engineering.

Starting on July 1, 2021, each licensing body listed in the bill will annually report information to the Director of Legislative Research (Director) by August 31, which will allow for the analysis of applications by applicant type (*i.e.*, military servicemember, military spouse, or non-military) and the number of applications received, granted, and denied; the average length of time between receipt of the application and the completion of the application; the average length of time between receipt of a complete application to the issuance of a credential (temporary or permanent); and identification by category of applicant in which the licensing body failed to meet the time limits specified in the bill and the reasons for the failure. Licensing bodies are required to provide the information in a manner that maintains applicants' confidentiality.

By January 15 of the succeeding year, the Director is required to report an analysis of the compilation to the Governor; the House Committee on Appropriations; the House Committee on Commerce, Labor and Economic Development; the Senate Committee on Commerce; and the Senate Committee on Ways and Means.