

**2023 SENATE WORKFORCE DEVELOPMENT**

**SB 2184**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2184  
2/10/2023

Relating to uniform regulation of occupations and professions and relating to the duties of the state auditor; to provide a penalty; to provide for a legislative management study; and to provide an effective date.

10:18 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

### Discussion Topics:

- Governor appointment and removal
- Board audits
- Occupational licensing
- Continuing education

10:19 AM **Senator Judy Lee** introduced SB 2184 and proposed an amendment 23.0588.01003 #19863, 19864, 20473, 20474.

10:35 AM **Dan Cox, Quality Assurance Manager, State Auditor Office** in favor verbally.

10:41 AM **Katie Ralston Howe, Workforce Director, North Dakota Department of Commerce** online in favor #20441.

10:41 AM **Katie Ralston Howe**, provided additional information #20479.

10:49 AM **Mark Hardy, Executive Director, North Dakota Board of Pharmacy**, in opposition #20415.

10:54 AM **Sandra DePoutis, Executive Director, North Dakota Board of Medicine**, in opposition #20413.

10:56 AM **Stacy Pfenning, Executive Director, North Dakota Board of Nursing**, in opposition #20403.

10:58 AM **James Schmidt, Executive Director, North Dakota State Electrical Board**, in opposition #20404.

11:02 AM **Allyson Hicks, Assistant Attorney General, Office of the Attorney General**, in neutral #20402.

11:05 AM **Dan Cox**, provided additional information verbally.

**Additional written testimony:**

**Tim Blasl, President, North Dakota Hospital Association** in favor #20337.

**Mandy Harlow, Executive Director, North Dakota Stage Board of Accountancy** in opposition #20409.

**Taya Patzman, Board Member, State Board of Optometry** in opposition #20419.

**Penny Briese, Association Professor of Nursing and Lab Coordinator, Nurse Educator** in opposition #20421.

**Sheri Miller, Executive Director, North Dakota Nurses Association** in opposition #20426.

**Tara Brandner, Legislative Liaison, North Dakota Nurse Practitioner Association** in opposition #20428.

**Tim Mehlhoff Chairperson, North Dakota Board of Dental Examiners (submitted by Rita Sommers)** in opposition #20437.

**Daryl Dukart, Dukart Ranch LLLP** in opposition #20439.

**Kayley Peterson** in opposition #20446.

11:07 AM **Chairman Wobbema** closed the hearing.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2184  
2/17/2023

Relating to uniform regulation of occupations and professions and relating to the duties of the state auditor; to provide a penalty; to provide for a legislative management study; and to provide an effective date.
---

9:48 AM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

### Discussion Topics:

- Study
- State Auditor provisions
- Attorney General's board training

9:49 AM **Lindsey Pouliot, Legislative Intern, Legislative Council** handed out Amendment. LC 23.0588.01005 #21077, 21078

9:51 AM **Mark Hardy, Executive Director, North Dakota Board of Pharmacy**, provided information verbally.

9:58 AM **Senator Larson** moved to adopt amendment 23.0588.01005, section four of the original bill.

10:00 AM **Mark Hardy** provided additional information verbally.

10:01 AM **Senator Axtman** seconded the motion.

10:04 AM **Senator Larson** withdraws motion.

10:04 AM **Senator Axtman** withdraws second.

10:04 AM **Chairman Wobbema** recessed the meeting.

10:32 AM **Chairman Wobbema** reconvened the meeting.

10:32 AM **Senator D. Larson** moved to propose an amendment and moved to adopt the amendment regarding an occupational and professional regulation study. #21085.

10:33 AM **Senator Axtman** seconded the motion.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
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

The motion passed 6-0-0.

**Senator Axtman** moved **DO PASS** as **AMENDED**.

**Senator Piepkorn** seconded the motion.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
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

The motion passed 6-0-0.

**Additional Testimony:**

**James Schmidt, Executive Director, North Dakota State Electrical Board** in opposition #21053.

**Senator Wobbema** will carry SB 2184.

10:36 AM **Chair Wobbema** adjourned the meeting.

*Patricia Lahr, Committee Clerk*

*DR*  
*171*  
*2-17-23*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 1, remove "create and enact a new chapter to title 43 of the North Dakota Century"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "relating to the duties of the state auditor; to provide a penalty; to"

Page 1, line 5, replace "; and to provide an effective date" with "regarding occupational and professional regulation by the state"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 7

Page 6, line 12, remove "and"

Page 6, line 12, after "actions" insert "; and audit processes"

Page 6, remove lines 17 and 18

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2184: Workforce Development Committee (Sen. Wobbema, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "create and enact a new chapter to title 43 of the North Dakota Century"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "relating to the duties of the state auditor; to provide a penalty; to"

Page 1, line 5, replace "; and to provide an effective date" with "regarding occupational and professional regulation by the state"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 7

Page 6, line 12, remove "and"

Page 6, line 12, after "actions" insert "; and audit processes"

Page 6, remove lines 17 and 18

Renumber accordingly

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2184**



# 2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Room JW327C, State Capitol

SB 2184  
3/20/2023

A BILL for an Act to provide for a legislative management study regarding occupational and professional regulation by the state.
--

Chairman Louser called meeting to order 10:15 AM

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

**Discussion Topics:**

- Reciprocity
- Training

**In Favor:**

Senator Judy Lee, District 13, West Fargo, ND, testimony, and proposed amendment, #25941  
Tim Blasl, President, ND Hospital Association, #24477

**Neutral:**

Mark Hardy, Executive Director, ND State Board of Pharmacy, #25795  
Allison Hicks, Assistant Attorney General, ND Office of the Attorney General, testimony #26005, proposed amendment, #26006  
Sandra DePountis, Executive Director, ND Board of Medicine, #24551  
Dave Schaible, Board of Dental Examiners (no written testimony)

**Additional written testimony:**

Dr. Stacey Pfenning, Executive Director, North Dakota Board of Nursing, #24396  
James Schmidt, Executive Director, ND State Electrical Board, #24760

Chairman Louser adjourned the meeting 11:12 AM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2184  
3/28/2023

A BILL for an Act to provide for a legislative management study regarding occupational and professional regulation by the state.
--

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:

- Committee work

Representative Ruby moved to adopt the amendment LC #23.0588.02001  
Representative Boschee 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	N
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Dan Ruby	Y
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	N
Representative Scott Wagner	AB
Representative Jonathan Warrey	Y

Motion passed 8-5-1

Representative Kasper moved a do NOT pass as amended.  
Representative Koppelman seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y

Representative Mitch Ostlie	Y
Representative Josh Boschee	N
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
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	AB
Representative Jonathan Warrey	Y

Motion passed 12-1-1

Representative Tveit will carry the bill.

Chairman Louser adjourned the meeting 3:07 PM

*Diane Lillis, Committee Clerk*

March 6, 2023

OR  
143  
3-28-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2184

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform regulation of occupations and professions; and to amend and reenact section 54-10-27 of the North Dakota Century Code, relating to the duties of the state auditor.

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

**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.
  - b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.

- DR  
283  
3-28-23
6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.
  7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
  8. A board may contract for administrative and support services to assist in the operation of the board.
  9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.
  10. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board shall disclose the fact and may not participate in or vote on that matter without the consent of a majority of the board.
  11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member.

**SECTION 2. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-27. Occupational and professional boards - Audits and reports.**

1. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the audit report.
2. Instead of providing for an audit every two years, an occupational or professional board that has less than two ~~hundred thousand~~ million dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined

necessary in addition to the annual report. ~~When a report is not filed,~~  
~~the~~The state auditor may charge the occupational or professional board an  
amount equal to the fair value of the additional examination or audit and  
any other services rendered. The state auditor may charge an  
occupational or professional board a fee not to exceed ~~eighty-six~~ninety  
dollars an hour for the costs of reviewing the annual report.

OK  
323  
3283

3. If an audit report or annual report shows the amount of the unobligated and undesignated balance of a board's operating fund exceeds two hundred fifty thousand dollars, the report must include a statement from the board regarding the board's plans for handling this excess amount."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2184, as engrossed: Industry, Business and Labor Committee (Rep. Louser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2184 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform regulation of occupations and professions; and to amend and reenact section 54-10-27 of the North Dakota Century Code, relating to the duties of the state auditor.

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

**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.
  - b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.
6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.

7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
8. A board may contract for administrative and support services to assist in the operation of the board.
9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.
10. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board shall disclose the fact and may not participate in or vote on that matter without the consent of a majority of the board.
11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member.

**SECTION 2. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-27. Occupational and professional boards - Audits and reports.**

1. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the audit report.
2. Instead of providing for an audit every two years, an occupational or professional board that has less than two ~~hundred thousand~~ million dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. ~~When a report is not filed, the~~ The state auditor may charge the occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed ~~eighty-six~~ ninety dollars an hour for the costs of reviewing the annual report.
3. If an audit report or annual report shows the amount of the unobligated and undesignated balance of a board's operating fund exceeds two hundred fifty thousand dollars, the report must include a statement from the board regarding the board's plans for handling this excess amount."



Renumber accordingly

**TESTIMONY**

**SB 2184**

23.0588.01002  
Title.

Prepared by the Legislative Council staff for  
Senator Lee

January 20, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform administration of occupational and professional boards.

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

**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.
  - b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.

6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.
7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
8. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.
9. A board is exempt from procurement requirements of chapter 54-44 except for one-time purchasing in excess of one hundred thousand dollars. The board shall make purchases according to the financial position of the board.
10. A board may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services. A board may choose a vendor other than the information technology department which financially and functionally is best suited for the needs of the board.
11. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board, shall disclose the fact and may not participate in or vote on that particular matter without the consent of a majority of the board.
12. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member."

Renumber accordingly

23.0588.01002

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2184**

Introduced by

Senators Lee, Burckhard, K. Roers

Representatives Mitskog, Weisz

1 A BILL ~~for an Act to create and enact a new chapter to title 43 of the North Dakota Century~~  
2 ~~Code, relating to uniform regulation of occupations and professions; to amend and reenact~~  
3 ~~subsection 2 of section 54-10-01 and section 54-10-27 of the North Dakota Century Code,~~  
4 ~~relating to the duties of the state auditor; to provide a penalty; to provide for a legislative~~  
5 ~~management study; and to provide an effective date.~~for an Act to create and enact a new  
6 section to chapter 43-51 of the North Dakota Century Code, relating to uniform administration of  
7 occupational and professional boards.

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

9 ~~SECTION 1. A new chapter to title 43 of the North Dakota Century Code is created and~~  
10 ~~enacted as follows:~~

11 ~~Definitions:~~

12 ~~As used in this chapter:~~

13 ~~1. "Board" means a board, commission, or other agency of state government created or~~  
14 ~~identified in this title to regulate an occupation or profession.~~

15 ~~2. "Foreign license" means a license, certificate, permit, or similar authorization to~~  
16 ~~practice an occupation or profession which is issued by a government agency in~~  
17 ~~another state or jurisdiction that imposes requirements for obtaining and maintaining a~~  
18 ~~license to practice the same occupation or profession.~~

19 ~~3. "Foreign practitioner" means an individual who holds and maintains a foreign license~~  
20 ~~in good standing to engage in an occupation or profession in a state or jurisdiction~~  
21 ~~other than this state and who is not the subject of a pending disciplinary action in any~~  
22 ~~state or jurisdiction.~~

1 ~~4. "Good standing" means a foreign practitioner holds a foreign license that is not issued~~  
2 ~~on a temporary or restricted basis, is not encumbered or on probation, and is not~~  
3 ~~suspended or revoked.~~

4 ~~5. "Occupation or profession" means activity for which a license is required from a board~~  
5 ~~or similar activity for which a foreign license is required in another state or jurisdiction.~~

6 ~~**Boards - Duties - Powers.**~~

7 ~~Notwithstanding law to the contrary:~~

8 ~~1. A board shall:~~

9 ~~a. Adopt rules to implement this chapter.~~

10 ~~b. Establish a fee schedule designed to fund the activities of the board.~~

11 ~~2. A board may:~~

12 ~~a. Establish continuing education requirements, which may include board-approval~~  
13 ~~requirements.~~

14 ~~b. Provide education for licensees or individuals who may be interested in pursuing~~  
15 ~~the regulated occupation or profession.~~

16 ~~**Board membership - Appointment - Terms.**~~

17 ~~Notwithstanding law to the contrary:~~

18 ~~1. The governor shall appoint the members of a board.~~

19 ~~a. The regular term of a board member is three years and begins on August first~~  
20 ~~following the appointment. An individual may not serve more than two~~  
21 ~~consecutive full terms as a member on a board, after which an individual may not~~  
22 ~~be reappointed until the expiration of three years.~~

23 ~~b. A board member serves at the pleasure of the governor. Upon the expiration of a~~  
24 ~~term, a board member shall continue to serve until the governor makes an~~  
25 ~~appointment to fill that position.~~

26 ~~c. In addition to any practitioner requirements, a board member must be at least~~  
27 ~~eighteen years old and must be a resident of this state.~~

28 ~~d. Each board must have at least five and no more than thirteen voting members, at~~  
29 ~~least two of whom shall serve as lay members.~~

30 ~~2. Each member of a board, except for a state employee serving as an ex-officio~~  
31 ~~member, is entitled to receive from the board compensation of one hundred~~

~~seventy-seven dollars per day spent in actual attendance at board meetings and reimbursement for mileage and travel expenses at the same rate as provided for state employees and officials.~~

~~3. Each member of a board shall maintain the qualifications for appointment for the duration of the appointment.~~

~~**Regulation - Terms of licensure - Renewal.**~~

~~Notwithstanding law to the contrary:~~

~~1. Other than an initial license, which may be valid for a shorter period, a license issued by the board is valid for one year from the date of issuance.~~

~~2. Annually, a licensee may renew a license upon submitting:~~

~~a. Fees for licensure renewal in an amount established by the board.~~

~~b. Proof of completion of continuing education as required by the board.~~

~~3. A licensee who does not renew a license timely may not practice in this state until the license is renewed or reissued. Within three months following the date of licensure renewal, a practitioner may renew a license without incurring additional renewal expenses. After three months following the date of licensure renewal, a board may charge a late fee for licensure renewal. If a practitioner fails to renew a license before the end of the year of licensure, the board may require the practitioner to reapply for future licensure.~~

~~**Licensure of foreign practitioners - Compacts.**~~

~~1. Notwithstanding law to the contrary, a board shall issue a license to an applicant who is a foreign practitioner, unless the board determines the issuance of the license would jeopardize the health and safety of the residents of this state. If the board determines licensure under this section would jeopardize the health and safety of the residents of this state, the board may deny the application or may issue a provisional license, issue a restricted license, or otherwise authorize limited practice to protect the health and safety of the residents of this state.~~

~~2. Notwithstanding contrary law under this chapter, a board may issue a license to an applicant through an adopted compact.~~

~~**Discipline - Penalty.**~~

~~Notwithstanding law to the contrary:~~

1 ~~1. A board shall conduct a disciplinary proceeding in accordance with chapter 28-32.~~

2 ~~2. A board may deny, limit, revoke, encumber, or suspend a license; may reprimand,~~  
3 ~~place on probation, or otherwise discipline a licensee; may deny admission to~~  
4 ~~licensure or examination; require evidence of evaluation or treatment; or issue a~~  
5 ~~nondisciplinary letter of concern to a licensee if the person:~~

6 ~~a. Has been arrested for, charged with, convicted by a court of, or has entered a~~  
7 ~~plea of nolo contendere to a crime in any jurisdiction which relates adversely to~~  
8 ~~the practice of the occupation or profession and has not demonstrated sufficient~~  
9 ~~rehabilitation.~~

10 ~~b. Has been the subject of a disciplinary action in a foreign jurisdiction relating to~~  
11 ~~the practice of the occupation or profession.~~

12 ~~c. Has violated this chapter or rules adopted under this chapter.~~

13 ~~d. Has engaged in a practice inconsistent with the person's occupational or~~  
14 ~~professional standards.~~

15 ~~3. It is a class B misdemeanor for a person to willfully practice an occupation or~~  
16 ~~profession in violation of this chapter or to willfully employ a person to practice an~~  
17 ~~occupation or profession in violation of this chapter.~~

18 ~~**SECTION 2. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota Century~~  
19 ~~Code is amended and reenacted as follows: \_\_\_\_\_~~

20 ~~2. The state auditor may:~~

21 ~~a. Conduct any work required by the federal government.~~

22 ~~b. Within the resources available to the state auditor, perform or provide for~~  
23 ~~performance audits of state agencies, including occupational and professional~~  
24 ~~boards, as determined necessary by the state auditor.~~

25 ~~c. Audit the International Peace Garden at the request of the board of directors of~~  
26 ~~the International Peace Garden.~~

27 ~~d. Contract with a private certified public accountant or other qualified professional~~  
28 ~~to conduct or assist with an audit, review, or other work the state auditor is~~  
29 ~~authorized to perform or provide for under this section or section 54-10-27.~~

30 ~~Before entering any contract, the state auditor shall present information to the~~  
31 ~~legislative audit and fiscal review committee on the need for the contract and its~~



1                    ~~estimated cost and duration. Except for performance audits conducted under~~  
2                    ~~subdivision d of subsection 1 or subdivision b of this subsection and except for~~  
3                    ~~audits of occupational or professional boards, the state auditor shall execute the~~  
4                    ~~contract and any executive branch agency, including higher education~~  
5                    ~~institutions, shall pay the fees of the contractor. For performance audits~~  
6                    ~~conducted under subdivision d of subsection 1 or subdivision b of this subsection,~~  
7                    ~~the state auditor may charge a state agency or board for the cost of a contract~~  
8                    ~~relating to an audit, subject to approval by the legislative assembly or the~~  
9                    ~~legislative audit and fiscal review committee if the legislative assembly is not in~~  
10                   ~~session. When considering a request, the legislative audit and fiscal review~~  
11                   ~~committee shall consider the effect of the audit cost on the agency or board being~~  
12                   ~~audited, the necessity of the contract, and the potential benefit to the state~~  
13                   ~~resulting from the contract. The state auditor shall notify the affected agency or~~  
14                   ~~board of the potential cost before requesting approval from the legislative~~  
15                   ~~assembly or the legislative audit and fiscal review committee.~~

16     ~~— **SECTION 3. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is~~  
17     ~~amended and reenacted as follows:~~

18     ~~— **54-10-27. Occupational and professional boards -- Audits and reports.**~~

19     ~~— The governing board of any~~

20     ~~1. Biennially, the state auditor shall conduct annual audits of occupational or professional~~  
21                   ~~board shall provide for an audit once every two years by a certified public accountant~~  
22                   ~~or licensed public accountant. The accountant conducting the audit shall submit the~~  
23                   ~~audit report to the state auditor's office. If the report is in the form and style prescribed~~  
24                   ~~by the state auditor, the state auditor may not audit that board. An occupational or~~  
25                   ~~professional board may request the state auditor to conduct its audit, and if the state~~  
26                   ~~auditor agrees to conduct the audit, the boards. The state auditor shall deposit the fees~~  
27                   ~~charged to the occupational or professional board into the state auditor operating~~  
28                   ~~account.~~

29     ~~2. Instead of providing for an audit every two years, an occupational or professional~~  
30                   ~~board that has less than two hundred thousand dollars of annual receipts may submit~~  
31                   ~~an annual report to the state auditor. The report must contain the information required~~

1 by the state auditor. The state auditor also may make any additional examination or  
2 audit determined necessary in addition to the annual report. When a report is not filed,  
3 the state auditor may charge the occupational or professional board an amount equal  
4 to the fair value of the additional examination or audit and any other services  
5 rendered. The state auditor may charge an occupational or professional board a fee  
6 not to exceed eighty-six dollars an hour for the costs of reviewing the annual report.

7 ~~3. If an audit report or annual report shows the amount of the unobligated and~~  
8 ~~undesigned balance of a board's operating fund exceeds two hundred fifty thousand~~  
9 ~~dollars, the report must include a statement from the board regarding the board's~~  
10 ~~plans for handling this excess amount.~~

11 ~~SECTION 4. LEGISLATIVE MANAGEMENT STUDY – OCCUPATIONAL AND~~

12 ~~PROFESSIONAL REGULATION.~~ During the 2023-24 interim, the legislative management shall  
13 consider studying the state's system for regulating occupations and professions, including  
14 consideration of the powers, duties, and membership of occupational and professional boards;  
15 licensure requirements; and disciplinary actions. The study must include consultation with  
16 occupational and professional boards. The study may include consideration of apprenticeships,  
17 internships, and board collaboration with primary and secondary education. The legislative  
18 management shall report its findings and recommendations, together with any legislation  
19 required to implement the recommendations, to the sixty-ninth legislative assembly.

20 ~~SECTION 5. EFFECTIVE DATE.~~ Sections 1, 2, and 3 of this Act become effective  
21 January 1, 2026.

22 **SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created  
23 and enacted as follows:

24 **Uniform administration of boards.**

25 1. As used in this section, the term "board" includes the state board of accountancy, state  
26 electrical board, North Dakota real estate appraiser qualifications and ethics board,  
27 state real estate commission, secretary of state with respect to contractor licensing,  
28 North Dakota board of medicine, and state board of dental examiners.

29 2. A board shall regulate the board's occupation or profession in the least restrictive  
30 manner appropriate to protect public health and safety. At the first regularly scheduled  
31 meeting of each calendar year, a board shall discuss this requirement and related

1 plans to remove unnecessary restrictions and regulatory burdens. The board shall  
2 include the plan in the board's minutes.

3 3. A board shall develop a mission statement consistent with the board's obligation of  
4 protecting public health and safety. The board shall recite the mission statement at the  
5 beginning of each regularly scheduled board meeting.

6 4. A board shall follow processes to allow for efficient and accurate processing of  
7 licensing applications, including timely communication to an applicant to address  
8 issues or deficiencies.

9 a. A board may adopt rules to provide for issuance of a provisional or temporary  
10 license between board meetings for a routine application as determined by the  
11 board.

12 b. If a board does not defer routine application approval to staff or selected board  
13 members, the board shall convene at least monthly to ensure timely issuance of  
14 licenses. A board may adopt rules defining what is considered a routine  
15 application that may be approved by staff or selected board members.

16 5. A board may assist in providing education for a licensee or an individual interested in  
17 pursuing the regulated occupation or profession.

18 6. The governor shall appoint the members of a board as provided by law and may  
19 remove a member for cause, misconduct, incapacity, or neglect of duty. After  
20 expiration of a board member's term, the board member may continue to serve until  
21 the governor makes an appointment to fill the position.

22 7. A board shall set and maintain an annual budget and financial statements accounting  
23 for fees collected. The board shall maintain an appropriate reserve as determined by  
24 the board.

25 8. A board may contract with an entity, another board, or an individual to obtain  
26 administrative and support services to assist in the operation of the board.

27 9. A board is exempt from procurement requirements of chapter 54-44 except for  
28 one-time purchasing in excess of one hundred thousand dollars. The board shall make  
29 purchases according to the financial position of the board.

30 10. A board may obtain and purchase services through the information technology  
31 department, including electronic mail systems, website services, and cybersecurity.

1 services. A board may choose a vendor other than the information technology  
2 department which financially and functionally is best suited for the needs of the board.

3 11. Unless otherwise specifically provided by law, a board member who has a direct and  
4 substantial personal or pecuniary interest in a matter before the board, shall disclose  
5 the fact and may not participate in or vote on that particular matter without the consent  
6 of a majority of the board.

7 12. Annually, the attorney general shall conduct online or in-person training for new board  
8 members. The training must include information regarding open meetings and open  
9 records, lobbying, and conflicts of interests. During the first year of a board member's  
10 initial term, the board member shall attend the training and after the first year, the  
11 board member may attend the training. A board may offer additional orientation  
12 training to a new board member.



**2023 Senate Bill 2184**  
**Senate Workforce Development Committee**  
**Senator Michael Wobbema, Chairman**  
**February 10, 2023**

Chairman Wobbema and members of the Senate Workforce Development Committee, my name is Tim Blasl. I am the President of the North Dakota Hospital Association (NDHA) which represents hospitals and health systems across the state. I testify in support of Senate Bill 2184 and ask that you give it a **Do Pass** recommendation.

Hospitals support the bill because it helps with our number one challenge: workforce. We support anything that can streamline the licensing of foreign health care practitioners. The bill would require professional licensing boards to issue a license to an applicant who is a foreign practitioner. The boards retain the authority to determine if licensure would jeopardize the health and safety of our residents and they may deny the application or issue a provisional license, a restricted license, or otherwise limit practice to protect the health and safety of our residents.

The scarcity of health care professionals in all disciplines - not only physicians, advanced practice providers and nurses but also medical imaging techs, physical therapists, psychologists, and many others - challenges our hospitals in both rural and urban areas. To the extent that we can make it easier for health care professionals to become licensed to work in North Dakota, without compromising public safety, it helps hospitals provide the care that patients need close to home.

I do not have the magical answer to solve the health care professional workforce shortage, but simplifying and speeding up the licensing of foreign health care professions is definitely part of the solution.

Please give the bill a **Do Pass** recommendation. Thank you for the opportunity to testify. I would be happy to respond to answer any questions you may have.

Respectfully Submitted,

Tim Blasl, President  
North Dakota Hospital Association



Drew H. Wrigley  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
**OFFICE OF ATTORNEY GENERAL**  
www.attorneygeneral.nd.gov  
(701) 328-2210

**SENATE WORKFORCE DEVELOPMENT  
FEBRUARY 10, 2023**

TESTIMONY OF ALLYSON M. HICKS  
OFFICE OF ATTORNEY GENERAL  
SENATE BILL NO. 2184

Chairman Wobbema, members of the Committee. I am Allyson M. Hicks, Assistant Attorney General in the General Counsel Division, and I appear on behalf of the Attorney General's Office to offer neutral testimony and an amendment should the committee adopt Senator Lee's proposed amendment 23.0588.01002.

The General Counsel Division of the Office of Attorney General represents most occupational licensure boards for the State. Utilizing the attorneys' cumulative knowledge of the issues facing the boards, each year since 2018 we have put on a full day, in person or online training for board members to promote consistency in how matters are addressed. The topics vary from year to year based upon the issues that we, as their legal counsel, have seen affect multiple boards. We are happy to continue providing guidance to the boards; however, the proposed language in amendment .01002 restricts our ability to be flexible and tailor that training to the needs of the boards.

The training takes months of planning and research to put on. It takes 4-6 assistant attorneys general out of the office for an entire day. There may be some years, such as 2020, where an in-person training is physically not possible. This is why we have proposed modifying "shall" to "may." Additionally, we offer general assistance

to all of our clients through offerings on our website, which is why we propose that the word “training” be modified to “information or training,” as some items can be addressed with manuals, guides, or fact sheets. We have also proposed eliminating the specification of topics because we have determined that the topics need to vary year to year to address emerging issues, and we need that flexibility to meet the needs and requests of our clients.

I would request that the committee consider our proposed amendment, however, my office remains neutral on the remainder of the bill.

Thank you for your time, and I would stand for any questions.

PROPOSED AMENDMENTS TO THE MARKED-UP VERSION OF  
AMENDMENT 23.0588.01002 TO SENATE BILL NO. 2184

Page 8, lines 7 through 12, replace with:

“12. Annually, the attorney general may provide information or training for board members on relevant board related topics in the form of manuals, information, guides, presentations, or in-person or recorded trainings.”

Renumber accordingly.



**SB 2184**  
**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 opposition testimony for **SB 2184** a bill to create and enact a new section to chapter 43-51, relating to uniform administration of occupational and professional boards.

The ND Board of Nursing (NDBON) was created by legislature in 1915 to license registered nurses and set standards for nursing programs. The Nurse Practices Act (NPA),<sup>1</sup> which is codified in N.D.C.C. Chapter 43-12.1, continually evolves to provide competent and quality nursing care efficiently and safely to the citizens of ND. The NDBON regulates over 20,000 license/registrations and employs 11 staff/FTE. The 2018 NDBON Annual Report indicated **21,534** active ND nurse licenses and **1,314** registrations for unlicensed assistive persons (UAP), an increase of 10% over the last 5 years. And of more than 20% over the last 10 years.

The proposed legislation was reviewed by the NDBON and legal counsel as it relates to the NPA. Upon review, the following are key points for consideration related to **SB 2184**:

**Section 1**

**Page 3, lines 5-16 Renewal:** The NPA currently requires renewal of licensure every two years, which is consistent with nursing boards nationally (*5 renew annually; 48 renew every two years; two renew every three years; one renews every four years*<sup>3</sup>). A change in renewal every two years to annual would result in a significant fiscal impact for the NDBON, as renewals would double from approximately 10,000/year to over 20,000/year. The initial and ongoing fiscal impact includes:

- Technology upgrades to convert licensing system to an annual renewal schedule across five different categories of license/registration.
- Annual increase in allocation of resources to accommodate doubling the renewals. The addition of staff/FTE (salary, benefits, equipment, potential office space, etc.) will be required for the following:
  - Operationalizing more than 20,000 renewals annually instead of approximately 10,000.
  - Completing over 400 audits for continuing education competence each renewal instead of approximately 200 (NPA 43-12.1-08 (2)).
  - Assisting with licensee correspondence. NDBON received more than 18,000 renewal related emails and system notifications between 10/01/2022 – 1/15/2023.
  - Processing more than double the late renewals annually without assessing fees (revenue loss). Late renewals average 35/year with two-year renewal cycle. Currently, fees are assessed to accommodate workloads required to ensure prompt application processing, allowing nurses to quickly return to the workforce.
  - Processing additional practice without a license non-disciplinary actions related to annual expiration dates, which typically involves review by compliance division staff. These actions occur in about 18 of the 35 late renewals every two years.

**SB 2184**  
**Senate Workforce Development Committee**  
**Testimony of**  
**ND Board of Nursing**

- If a licensee were granted a three-month grace period following license expiration, there would be an impact to the NDBON fiscally. The NPA and N.D.A.C. Article 54-05 currently allow for late renewals and reactivation processing with fees assessed due to the additional workload required to process and facilitate an expedited return to work, thereby preventing loss of work time due to failure to renew. Annually, the NDBON processes an average of 35 late renewals, and anticipates this number will more than double without a fee assessed in order to expedite processing of an expired license/registration. Without a late fee, there will be no incentive for a licensee to timely renew his or her license.

**Section 2:**

**Page 4, lines 17-31 and Page 5, lines 1-12 State Auditor:** Annually, the NDBON contracts with Eide Bailly, a public accounting firm, to prepare the audit of financial statements as part of the annual audit. Annually, the certified accounting firm spends 50-55 hours with the NDBON to prepare audit and present to the Board for approval. The final audit is then submitted to the state auditor's office.

**Section 3:**

**Page 6, lines 4-7 Operating Funds less than \$250,000:** A budget of \$250,000 may be an adequate reserve for a smaller board that has a lower operating budget but does not cover expenses for the Board of Nursing for two months. During the previous pandemic licensees in good standing in their home state were allowed to enter and work in North Dakota without North Dakota nurse licensure, impacting NDBON revenue.

**Other points the NDBON would like considered:**

**Section 1, Page 2, lines 14-26 Board membership:** The NDBON allows two consecutive four-year terms, which has worked well. Training and acclimation to NDBON processes can take four to five meetings and the Board meets four times each year. Historically, NDBON's public member position has been difficult to fill with very few candidates applying.

**Section 1, Page 3, lines 17-26 Licensure of Foreign Practitioners:** ND is a one of 39 states in the Nurse Licensure Compact (since 2004), which allows the nurse to work across borders with a multistate license. The language on lines 25-26 that states "Notwithstanding, contrary law under this chapter, a board may issue a license to an applicant through an adopted compact". The NLC allows a nurse who holds a multistate license in any other compact state to practice under that privilege to practice and does not require a nurse to obtain licensure in other member board states.

The NDBON would ask the committee to consider exempting the NDBON from **SB 2184**, as North Dakota nursing regulation is currently safe, efficient, and effective.

**SB 2184**  
**Senate Workforce Development Committee**  
**Testimony of**  
**ND Board of Nursing**

Thank you for your time and attention, and the opportunity to share the NDBON concerns about **SB 2184**. I am open to any questions the Committee members may have.

Dr. Stacey Pfenning DNP APRN FNP FAANP  
Executive Director, NDBON  
701-527-1276  
[spfanning@ndbon.org](mailto:spfanning@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. Judy Lee**, (Chair Human Services Committee), **Sen. Randy Burckhard** (Member Appropriations Committee), **Sen. Kristin Roers** (Chair State and Local Government Committee), **Rep. Robin Weisz** (Chair Human Services Committee) and **Rep. Alisa Mitskog** (Member Appropriations Committee)

References:

1. North Dakota Century Code. (NA). Chapter 43-12.1 Nurse Practices Act.  
Available at <https://www.legis.nd.gov/cencode/t43c12-1.pdf>
2. North Dakota Board of Nursing, (2021). NDBON Annual Report 2017-2018.  
Available at <https://www.ndbon.org/Publications/AnnualRpt.asp>
3. National Council State Boards of Nursing. (2017). Board Member Profiles.  
Available at [https://www.ncsbn.org/2017\\_Licensure\\_MBPResponses.pdf](https://www.ncsbn.org/2017_Licensure_MBPResponses.pdf)

**TESTIMONY OPPOSED TO SB 2184****PRESENTED BY JAMES SCHMIDT****EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Chairman Wobbema and Members of the Work Force Development Committee:

I'm James Schmidt, executive director for the North Dakota State Electrical Board. This bill has provisions which conflict with provisions in the Board's own chapter of the code, chapter 43-09. Because the Board believes its own specific provisions are more desirable, and other provisions in this bill are unnecessary, I am here to speak on behalf of the board in opposition.

First, with respect to board members, the board currently has five board members, two of which are laypeople. However, our board members have five-year staggered terms. This bill would change that term to three years. We believe the five-year term improves consistency in board actions regarding licensure and discipline, and provides significant benefits in institutional knowledge for this technical trade.

Second, the board has additional requirements for renewal of licenses, including requiring applicants to provide annual proof of insurance, which the board believes are extremely important. This bill would limit the requirements for renewal to providing a fee and proof of compliance with continuing education requirements.

Third, the topic of expedited licensure for foreign practitioners has been the topic of several bills this session. The board has significant concerns with being required to extensively modify its licensure process. 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.

Because of reciprocity requirements, as well as the life safety concerns and the technical nature of the trade, the board is concerned about this bill and other bills that seek to impose a “one-size-fits-all,” streamlined temporary licensure process. Risking our reciprocity with other states makes it much more difficult for ND electricians to freely cross state lines to work.

Finally, the board currently has audits performed by an outside accounting firm and provides those audits biennially to the state auditor. We believe this process has worked well in the past and having the state auditor perform the board's audits is unnecessary.

The above discussion does not address all of the areas in which SB 2184 conflicts with or reaffirms what the Board's laws and rules already provide. But while this bill may speak to issues that have arisen with other boards unknown to us, we believe it is unnecessary as applied to us.

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



## 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 2184, which relates to uniform regulation of occupations and professions. **The North Dakota State Board of Accountancy opposes SB 2184.**

The North Dakota State Board of Accountancy currently has laws and rules in place addressing all the requirements of this proposed bill. Further, current law and rules are in place that specifically address the licensing of foreign license holders. Unlike most professional licensures, our current law and rules allow for portability of licensure, meaning that as long as the licensee is in good standing with their home jurisdiction or another jurisdiction of the United States of America they are able to practice accounting in the State of North Dakota. The single restriction to this would occur if the licensee plans to perform an attestation function (Audits, Reviews or Compilations) in the State of North Dakota. In this situation, their firm is required to be licensed in North Dakota. This does not prohibit the individual from providing tax or consulting services. The licensing process is streamlined and the cost is nominal. Once the firm applies for a license, as long as the firm is in good standing in their home state (jurisdiction) the license is granted.

Additionally, section 54-10-27.1 is proposed to be amended to require the boards to be audited by the State Auditor's Office. This would put an extreme burden on the State Auditor's Office and likely cause a burden on the licensing boards. As the board that regulates the licensees that perform audits we feel it is in the best interest of the public to require audits by a firm licensed by the North Dakota State Board of Accountancy or the State Auditor. This will allow boards to secure a firm or the Auditors office depending on what fits best with the boards fiscal and timing needs. Further, we feel it is appropriate that the boards be audited annually, not bi-annually as this increases the protection of the public related to the fiscal operations of the board.

Lastly section 54-10-27.3 is requiring the audit or annual report to indicate what the purpose is to retain undesignated funds in excess of \$250,000. Although we do feel it is appropriate for the boards to provide reasons for funds in excess of a certain dollar amount, we would recommend that the definition be for funds in excess of the boards annual budget would be a more appropriate level.



## Board of Accountancy

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  
[pkautzman@eidebailly.com](mailto:pkautzman@eidebailly.com)  
701-239-8501  
4310 17<sup>th</sup> Ave S  
Fargo, ND 58103

215 N 3<sup>rd</sup> St, Ste 202C | Grand Forks, ND 58203

PHONE: 701.775.7100 | TOLL-FREE: 1.800.532.5904 | [www.ndsba.nd.gov](http://www.ndsba.nd.gov)



WORKFORCE DEVELOPMENT COMMITTEE  
FEBRUARY 10, 2023

TESTIMONY OF  
NORTH DAKOTA BOARD OF MEDICINE  
SENATE BILL NO. 2184

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 the originally filed Senate Bill 2184. There are amendments filed by Senator Lee for the bill. The Board would withdraw its opposition to the bill if the amendments are adopted. The below testimony is therefore regarding the concerns with the originally filed bill.

The North Dakota Board of Medicine is responsible for licensing and disciplining physicians, physician assistants, physician residents, and genetic counselors – which are set forth in various sections of North Dakota Century Code Title 43 – Occupations and Licensure. There is already a chapter in this Title – chapter 43-51, that provides various regulations applicable to the licensing boards. This bill would create another chapter in Title 43 – again providing various regulations in a new chapter. The concern with the numerous chapters is the contradictory language – and what law would be the controlling authority that practitioners and boards must ultimately follow if each chapters have different laws/provisions. For example, chapter 43-51 already defines “foreign practitioners” and outlines various waivers for licensure, authorized emergency practice, and reciprocity, along with a section specifically on compacts. Would the language in 43-51 negate the license by foreign practitioner’s section of this bill found on page 3?

SB 2184 starts each section with “notwithstanding law to the contrary.” Individuals and practitioners who are not adept at reading legislation, are often confused by this phrase, resulting in confusion on what is the applicable law to be followed. There are also instances in which a law in a practice act may say “as set forth by rule.” Would this law and subsequent rule then be the authority? Or would the authority need to be specific in law to be the controlling authority over the language in SB 2184? For example, the Board of Medicine issues licenses to resident physicians “as set forth by rule.” N.D.A.C. 50-02-13 outlines “resident licensure” recognizing that such licenses are for the term of the residency program – the length of which varies by specialty area. Would the fact that this is not specifically in century code now be eclipsed by the language proposed on page 3 – Regulation, Terms of licensure, Renewal – of the bill – converting it to a one-year license?

Also of concern is the language regarding Licensure of foreign practitioners on page 3. The Board is part of the physician compact (Interstate Medical Licensure Compact Commission) – so it would appear that is allowed and be the controlling authority by section 2 – over section 1 reciprocity. However, physician assistants and genetic counselors are not part of a compact. Instead, what one would think of as “reciprocity” – aka an expedited license – comes not through the issuance of a license from another state – but through national certifying agencies. Physician assistants must hold an active certification through the National Commission on Certification of Physician Assistants (NCCPA). Genetic Counselors hold credentials with the American Board of Genetic Counseling (ABGC). These national organizations take care of many primary source verifications needed for licensure, so the Board of Medicine does not

need to obtain them (i.e. verification of schooling, exam scores, etc.) thus expediting the licensure process. The language of the bill does not recognize the national certifications as an appropriate avenue for reciprocity.

Finally, the Board obtains annual financial audits – conducted by certified/licensed public accountants. The audits are thorough and timely made. The Board has worked with the accountants for many years and we are able to contact them at any time with questions on new accounting principle, bookkeeping and payroll issues, etc. and we receive a timely response with guidance on how to properly proceed. Would the State Auditor’s office be able to extend the same guidance and service? Having an independent audit by certified/licensed public accountants has been working well for numerous years and therefore question the need for this change.

Finally, 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, expediated licenses were being provided to military spouses, and “(a)together, 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 seems 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.

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



State of North Dakota  
Doug Burgum, Governor

OFFICE OF THE EXECUTIVE DIRECTOR  
1838 E Interstate Ave Suite D  
Bismarck ND 58503  
Telephone (701) 877- 2404  
Fax (701) 877-2405  
**STATE BOARD OF PHARMACY**  
E-mail= [Mhardy@ndboard.pharmacy](mailto:Mhardy@ndboard.pharmacy)  
[www.ndboard.pharmacy](http://www.ndboard.pharmacy)

Mark J. Hardy, PharmD  
Executive Director

**SB 2184 – Uniform Regulation of Occupational Boards**  
Senate Workforce Development Committee – Fort Lincoln Room  
10:00 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 appear to you in opposition to Senate bill 2184 as it currently stands.

I have had the pleasure of working with Senator Lee who is the prime sponsor on amendments that would significantly change, but address, many of the issues that this bill is looking to accomplish, as well as provide meaningful provisions to help Boards improve efficiencies in operations. I would be happy to work with the committee on that amendment if desired.

As the bill is written, there are provisions in the bill that certainly are worthy of a conversation that would unify certain administrative activities of Occupational Boards, there are a number of the provisions in this bill that are not necessary or may cause additional burdens for Boards, including the Board of Pharmacy, and all the licensees underneath of them.

I will walk through just a few of the major challenges with the provisions of the bill. With Board Membership we do think it is worthwhile that the Governor has the power to remove a Board Member for cause or neglective duty. However, the removal of Board Members for such things as political reasons would be problematic. Furthermore, recruitment of Board members is often not easy and limiting the term to 3 years with a second term option really restricts the ability for a board member to fully engrain in the operations of the Board to make a meaningful impact. Most Boards have a per diem compensation set in their statutes. This per diem is often according to the budgets of the Board and constitutes a reasonable compensation depending on the occupation. Requiring a per diem of \$175 per day may actually prove to be financially burdensome for many of your small Boards in the state.

Unifying the renewal terms of all licensees under all the Boards would change many established processes. This will cause much confusion in the workforce in what is currently a stable process for an individual profession. Some Boards use a calendar year, others use an anniversary date of licensure and others use a selected date. This process is engrained in the profession and changing this makes little sense as it will be a burden for everyone to change. Many Boards, unlike ours, do not require proof of Continuing education upon licensure instead rely on audits throughout the year which, for our profession, is easily completed by an electronic profile each professional maintains and is accessible. Requiring this for our licensees upon renewal would be an unnecessary burden.

Regarding licensure of foreign practitioners and portability between states, the Board of Pharmacy has an electronic license transfer program operated by our National Association of Boards of Pharmacy that has been in place for many years. This provides a uniform process for pharmacists to become licensed when moving into the state. The section of the legislation would jeopardize our ability to use this streamlined approach and create a separate process for our licensees from other states to follow. Another example is our Pharmacy Technicians who are required to meet an educational qualification for the purposes of registration. This standard is seen as being more stringent than other states, however the reality is the Pharmacy Technicians in our state have an expanded role in which they can practice in pharmacies versus other applicants. This has actually been a positive for our workforce needs as it relates to Pharmacy Technicians keeping a stable workforce compared to other states where there is a higher turnover in the workforce. This has also allowed us to extend innovative models of care, such as Telepharmacy that have served our rural citizens by having well trained pharmacy technicians employed and practicing remotely with pharmacist supervision.

We believe Section 2 and Section 3 of the bill also are unnecessary with Boards like ours. Our operation is small like many boards and working with a private accounting firm, through standards set by the state auditor, to have an audit seems very appropriate. In our case we do a yearly audit even though we are required to conduct biennial audits. Having access to a private accountant has allowed us to leverage their expertise to ensure that we are operating our fiscal processes in the best manner possible given our limited staff size and ability to segregate duties. We believe there are other similar pieces of legislation that are working their way through the legislative body that may provide a better means for Licensing Boards that are unable to use a private accounting firm to utilize the services of the state auditor.

Lastly, Section 4 calls for a study. I think it is important to remind the Committee that there was a study recently on Occupational Boards that was completed by the Department of Commerce that addressed many of the issues that this section calls for. The study utilized a national entity that specializes in Licensing Boards, **Council on Licensure, Enforcement and Regulation [CLEAR]** to collect and evaluate the results to compare to their national experiences. Those results were overall quite complimentary of the efforts Board's in North Dakota. One important finding was that licenses are being timely processed in what was quoted as a "14 day turnaround time" on average.

Again, the Board of Pharmacy is not supportive of SB 2184 in this current version. However, we would be happy to work with the Committee on amendments that could be meaningfully used to enhance the operations of Licensing Boards to ensure they are as nimble as possible to respond to the workforce in the state of North Dakota

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.

**Senate Bill 2184****Workforce Development Committee****February 10, 2023**

Good Morning Mr. Chairman and members of the committee. My name is Dr. Taya Patzman, and I am a member of the State Board of Optometry. I am speaking to you today on behalf of the Board.

I appear before you today, in opposition to Senate Bill 2184 and ask for an exemption if it should pass. The State Board of Optometry is asking for exemption in Section 1 a. of the Board Membership- Appointment-Terms and Section 1 of the Licensure of Foreign Practitioners- Compacts, of the new chapter to title 43 of the North Dakota Century Code. The State Board is asking for exemption due to concerns in these sections.

Senate Bill 2184 would change the terms of our board members from 5 years to 3 years, with a two-term limit. Our board typically only meets twice a year, so in a three year term, a member would only be present at six meetings. We feel that it requires a longer time period for a board member to acquire the knowledge necessary to be effective. Since there are only 193 licensed practicing optometrists in the state, it is difficult to get volunteers to serve on our board. The Board of Optometry has two lay members of which one term was up for renewal last year. The current board member wished to retire from serving on the board, but a replacement was not able to be found, and she ended up having to renew her 5-year term. This proposed change to a 3-year term with a maximum of two consecutive terms would make this more problematic to fill these positions.

The second area of concern for the board is pertaining to the Licensure of Foreign Practitioners-Compacts section 1. This section states that a board shall issue a license to an applicant who is a foreign practitioner, unless the board determines the issuance of the license would jeopardize the health and safety of the residents of this state. We currently endorse optometrists from other states if they submit an application, pass the open book North Dakota jurisprudence exam, pass a background check, pay the license fee, and are in good standing with their current license. The Board requests that these minimum requirements be met before a license is issued.

The State Board of Optometry's primary intent is to protect the public. Senate Bill 2184 limits experienced members of the State Board of Optometry from serving their peers and profession. I urge you to vote **Do Not Pass** on SB 2184 or include Optometry as an exempt profession in Section 1 of Board Membership-Appointment- Terms and Section 1 of Licensure of Foreign Practitioners-Compacts.

Thank you, Mr. Chairman. I would be happy to answer any questions you may have.

Dear committee members,

I am writing this evening in opposition to the one-year licensure bill 2184. As a Nurse Educator, I already see the financial burden nursing students are under. They are preparing for entry into the profession of nursing, and they leave the academic arena carrying with them the burden of NCLEX testing fees, moving fees if taking jobs in different states, and of course the immense burden of student loans. It is unfair to demand that they now must pay their licensing fee every year, just so they can care for you and your loved ones. If you do, I fear many will move out of state because of it. We need every North Dakota nurse to stay here!

I ask that you vote "Do Not Pass" and help this demographic of young, new nurses.

Dr. Penny Briese, RN





◇ 1912-2023 ◇  
1515 Burnt Boat Drive  
Suite C #325  
Bismarck, ND 58503  
701-335-6376

Testimony in Opposition of SB 2184  
Senate Workforce Development Committee

February 10, 2023

Chairman Wobbema and Members of the Committee:

My name is Sherri Miller, and I am the Executive Director for the North Dakota Nurses Association. The NDNA opposes SB 2184.

We are not in favor of anything to upset the already efficient processes in place at the North Dakota Board of Nursing. We're grateful for the work they do daily to proactively regulate the practice of nursing in our state and license over 21,000 nurses.

To give you our background, NDNA is the only professional organization representing all registered nurses (RNs) in North Dakota. The mission of NDNA is to advance the nursing profession by promoting professional development of nurses, fostering high standards of nursing practice, promoting the safety and well-being of nurses in the workplace, and by advocating on health care issues affecting nurses.

We are concerned regarding SB 2184, specifically pertaining to licensure renewals. This legislation would require nurses in ND to renew annually instead of every other year. NDNA is concerned as this could contribute to a large fiscal impact and the NDBON may need to re-evaluate licensure fees based on the fiscal impact. This in turn would affect all of the nurses who are renewing their nursing licenses. Renewal fees every 2 years for nurses in ND are currently \$130 for LPNs and \$140 for RNs.

We are already in a serious nursing shortage in the state and request no further roadblocks to nurses and care of patients. As a part of NDNA's advocacy platform, we strive to reduce such regulatory barriers for nurses.

We respectfully ask you to "do not pass" SB 2184.

Thank you,

Sherri Miller BSN, RN  
Executive Director  
North Dakota Nurses Association



North Dakota Nurse Practitioner Association

[www.ndnpa.org](http://www.ndnpa.org)

Legislation Tracking Team

Tara Brandner [ndnpalegislative@gmail.com](mailto:ndnpalegislative@gmail.com) 701-471-9745

Adam Homan [adam.hohman@ndsu.edu](mailto:adam.hohman@ndsu.edu) 701-306-1851

Kerri Benning [kerri.benning@ndsu.edu](mailto:kerri.benning@ndsu.edu) 701-426-1422

SB 2184

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 2184; relating to uniform regulation of occupations and professions; relating to the duties of the state auditor; providing a penalty, and to provide for a legislative management study.

The NDNPA opposes SB 2184 as annual renewals would be a hardship for the nursing workforce and could potentially cost an additional \$250,000 annually to nurses through fees. I am sure you are well aware there is a significant nursing workforce issue already occurring, and anything that would further impact that would be detrimental to the healthcare of the citizens of North Dakota.

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

**Testimony of SB 2184**  
**The Senate Workforce Development Committee**  
**of the**  
**North Dakota Senate**  
**Senator Michael Wobemma, Chairman**  
**February 10, 2023**

Senator Wobemma and members of the Senate Workforce Development Committee, my name is Tim Mehlhoff, and am currently serving as Chairperson of the North Dakota Board of Dental Examiners. The Board appreciates the opportunity to provide input and testimony regarding Senate Bill 2184.

Some of the Board's concerns about SB 2184 include:

- A. Board Member Terms, Number of Members, and Qualifications
- B. Licenses Renewed Annually
- C. Licensure of Foreign Practitioners
- D. Audits

The Board's specific concerns on these topics are set forth below.

A. Board Member Terms, Numbers of Members, and Qualifications

The Bill (Page 2; Line 15) limits each Board member to two 3-year terms. Currently our Board members can serve longer—two 5-year terms. Board members share that it takes 5 or 6 quarterly meetings before they feel adequately informed and sufficiently effective related to the work and responsibilities of the Board. Circumstances can influence any Board member's ability or willingness to serve more than one term. Shortening this individual's term to three years would result in only twelve quarterly

meeting, so they would likely be halfway done before feeling they are fully prepared to effectively participate.

The Board is also keenly aware of the importance and value derived from institutional knowledge derived from and utilized within the work required. A reduction of Board terms from five to three years risks greater loss of this institutional knowledge that could easily become problematic. This change would also be inefficient for both members and the work of the Board, and potentially a disservice to the public. At times in the past it has been challenging to identify dentists, hygienists, assistants, and consumers with sufficient interest necessary who are willing to devote time to volunteer for the Board. Shortening examiners' terms exacerbates this problem and requires the Governor's Office to find additional qualified and interested candidates.

The Bill also adds a second consumer member to Board membership. The Board's make up presently includes one consumer member. The Board is grateful to receive the input of its consumer member—whose input and perspective is invaluable. Having a consumer member on the Board has been of great benefit to the public as well as the Board's purpose. But adding a second consumer member creates difficulties. First, it can be difficult to find individuals interest in serving on a Board—and finding consumer member with passion and interest in dentistry is often more difficult. We feel that having one quality consumer member has well-ensured the voice of consumers is represented on the Board. Secondly, the addition of one member in any of our four categories (consumer, dental assistant, dental or dentist) would result in a 10-member Board. An even number of members could result in tie votes.

Finally, the Bill (Page 2; Line 20) gives the Governor the power to remove any or all Board members at any time, for no reason at all. That language seems to undercut the independence of the Board and negatively impact the Board's ability to ensure public safety.

#### B. Licenses Renewed Annually

Dental licenses in North Dakota—and throughout all 50 states—are renewed every two years. This is an efficient process and does not appear to create any risk to the public. The Bill (Page 3; Line 3) changes that—and requires yearly license renewal. That requirement would cause the Board to revise our internal systems, double the work of our Board members and administrative staff by doubling the frequency of renewals. Board administrative expenses for annual renewal would increase, requiring licensees to complete the renewal process twice as often, earn continuing education at a different pace, and incur more fees. That seems unnecessary and inefficient for the licensees or the Board. This requirement seems to create numerous inefficiencies and runs counter to the prevailing sentiment of increasing Board efficiencies. It would also make North Dakota inconsistent with all other states—potentially causing complications in licensure portability, and potentially discouraging other state's licensees from practicing here. The idea of annual relicensing does not seem to expedite the licensing process, protect the public, or provide benefit to consumers or licensees.

#### C. Licensure of Foreign Practitioners

The Bill (Page 3; Lines 17-24) requires the Board to issue a license to any applicant that has a license from any country in the world. Presently, all 50 states have

generally the same licensing standards, so we are already able to quickly license applicants that come here from other states. But this Bill goes much further and reaches worldwide. The Board has several concerns about this broad reach. Most prominently, the dentistry standards in our state have been in place in one form or another since the Board's inception in 1885. Legislators keep these standards in place to help ensure that the dental care received by our citizens is of high quality. You've also charged the Board with the responsibility of reviewing these standards. We do so by faithfully working with you through Bills and rulemaking to ensure our licensees are well-qualified, and to also ensure the standards do not create unnecessary hurdles for applicants. By mandating that we now license dentists from around the world without regard to their quality disregards all that work and the assurances of public safety they provide. We'd have no option but to issue a license to applicants whose educations were earned from academic institutions that may be unaccredited, who's technology and resources may be less-advanced than ours, who took exams that may be less thorough, and who are trained to abide by a lesser ethical code than ours. And it's imperative not to lose sight of the reality that because dentists may prescribe narcotics and sedate patients, there are life-and-death risks that come with licensing under-qualified dentists. The Board's only opportunity to deny a license would be if it somehow gathered information supporting the conclusion that a particular applicant "jeopardize[d] the health and safety of the residents of this state." The applicant is unlikely to share that information, and it is unclear how the Board might find it elsewhere.

D. Audits

The Bill (Page 5; Line 15) requires that Boards with more than \$200,000 annual receipts will be audited—possibly annually or biennially—by the State Auditor. Our Board presently falls under that threshold. By changing the language the way it does, it is unclear what our Board's audit requirements are. We support language that would allow us to continue our current practice of choosing either (a) biennially hiring an accountant to audit our Board, or (b) annually completing the financial spreadsheet provided by the State Auditor.

#### E. Conclusion

The Board of Dental Examiners wishes to make it clear that it has increased efficiencies related to licensure that has reduced the time necessary for licensing. The Board welcomes the opportunity to confer with the drafters of this Bill to improve statutes in ways that minimize risks to our citizens and facilitates appropriate and timely licensure of practitioners.

Thank you for your time. This concludes my testimony.

Prepared by:  
Tim Mehlhoff

Chairperson of North Dakota Board of Dental Examiners

**Testimony on SB 2184**

Written testimony in opposition of part of SB2184.

Senator Workforce Development Committee:

Committee Chairman Senator Wobbema and Committee Members:

I am Daryl Dukart a Dunn County Citizen and presently serving on a couple State Boards: As I called my testimony in opposition. My concern is directed to page 5 of the offered bill and under Section 3 Amendment dealing with 54-10 -27.

As we have several certified public accounts available across our state, and certified agency who can conduct audits. I would prefer we remain with the original wording we have in 54-10-27. I do not feel the state auditor office needs to be the head auditor of these boards and as long as the guide to what the state auditor's office wants to see is in those audits, provide's and follow's the state office desires let us drive our state's economy a little more through private firms vs generating a larger state auditors office.

Audits are important needs by all who are asked to deliver and share with the voters of our state and local communities. As a board member of many boards over my career as a County Commissioner I never once felt an audit was a bad deal or unnecessary as for its reason of use.

I question the fee structure for billing from this office as the auditor has a Budget set by you the legislators of our state yet charges for the departments service provided to most public subs, boards, etc. I have identified this as double dipping of property taxes from the local level and do realize this is now a topic of consideration for the 68-legislation year of 2023. Special funds or funds deposited into the State Auditor Operational Budget which are collected, need to be tracked and followed and the public along with legislators need to know how these dollars are used outside of the budget the state has established for them. Seems to me we are not seeing as a public a true cost from a budget standpoint of the department's budget when addition fees can flow in and out without the budget reflecting these numbers.

Thank you,

Daryl Dukart

Dunn County Citizen



TESTIMONY OF

**Katie Ralston Howe, Director, Workforce Development Division**

Chair Wobbema and members of the Senate Workforce Development Committee, my name is Katie Ralston Howe, workforce director for the ND Department of Commerce, and I'm here in support of the amendments introduced by Senator Lee. 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 which supports the intent of this bill.

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.

During our initial research, we procured the services of the Council on Licensure Enforcement and Regulation (CLEAR) and leaned heavily on subject matter expertise provided by Council of State Governments (CSG) and National Conference of State Legislatures (NCSL). Included in the findings and recommendations of our report are opportunities that are identified in SB 2184.

First, uniform statute related to the role of licensure boards, required duties, and consistent board member training for all boards is critically important and identified as an opportunity in our research. There are five regulatory licensure structures that range from only autonomous boards that have complete control over their operation and processes to complete centralization of all boards under an agency that has regulatory authority, and boards serve only in an advisory capacity. ND is a prime example of a fully autonomous environment, in which occupational licensing boards and commissions act with clear independence, empowered to chart their own course and set their own policy agenda. One benefit of this model is that many of our boards are quite nimble in their work; however, some of the pitfalls that can stem from this structure are that ND is at greater exposure for fragmentation in board policies and processes.

Our report from CLEAR, specifically identified that ND may want to consider introducing elements of other models that would address the absence of broader coordination and confusion. One suggested

step toward this is uniform statute and training for boards to ensure consistent practices among all boards and board members, which is a standard practice in many states.

Section 1.4 is aligned with a priority of the Workforce Development Council, which is to support processes to remove barriers and expedite the path to licensure. Throughout our research, we learned that many boards have already established formal and informal practices to rapidly process and approve licenses; however, this is not consistent across all boards. This bill will prompt boards to evaluate their own processes to establish more formal methods for expediting licensure where possible and will require that these practices are documented through meeting notes which will promote consistency moving forward.

Overall, we're encouraged by what we've learned through our research and I'm glad to see our findings are informing legislation designed to improve the licensure landscape in ND. I'm happy to answer any questions today and as you continue to work on this bill. Thank you.

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

23.0588.01003  
Title.

Prepared by the Legislative Council staff for  
Senator Lee

February 9, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform administration of occupational and professional boards.

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

**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.
  - b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.

6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.
7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
8. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.
9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.
10. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board, shall disclose the fact and may not participate in or vote on that particular matter without the consent of a majority of the board.
11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member."

Renumber accordingly

SB 2184 presentation February 10, 2023

Senator Judy Lee

SB 2184 is a bill about occupational licensing, and I am bringing a hoghouse amendment to provide a much more thoughtful way of benefitting the boards and the professionals whom they license.

Section 1 is Uniform administration of boards. Subsection 1 includes the boards listed, because the statute in which this language is located, 43-51, includes all boards except those listed who are exempt. These boards would now be include along with the others.

The boards' duties are spelled out and include regulating in the least restrictive manner appropriate to protect public health and safety. They may adopt rules and, as mentioned in 4 , must have timely communication with applicants, provide for provisional or temporary licenses, and if the board does not defer routine application approval to staff or selected board members, they shall convene at least monthly to ensure timely issuance of licenses. They may assist in providing education for licensees and interested individuals.

The Governor will appoint and may remove board members.

The board shall set and maintain an annual budget and financial statements, along with an appropriate reserve.

It may contract for administrative and support services and obtain services through the information technology department.

Conflicts of interest during a board vote are addressed in #10.

The Attorney General shall conduct training for new board members , who are required to participate in their first year. Returning members may take the training, but are not required to do it every year.

This language was developed with review from board executives and others. I might mention that Katie Ralston Howe from the Department of Commerce has facilitated a task force for the past 2 years or so, addressing occupational licensing. I have served on that task force and appreciate having had access to the information which has been gathered by that group's work.

I present this amendment to you as a proposal for structure for all occupational licensing boards to streamline and make consistent the governance and activities of all boards, and I encourage your favorable review.



# **NORTH DAKOTA OCCUPATIONAL LICENSING REVIEW AND REFORM PHASE 2: FINAL REPORT**

## EXECUTIVE SUMMARY

When it comes to providing for the licensing of professions and occupations, state government has dual and sometimes conflicting responsibilities. On the one hand, the state is responsible for ensuring that licenses are issued in a manner responsible to its citizens. Proper training, experience, education, and ethics must be enforced, so as to protect the public and ensure the professional delivery of goods and services. On the other hand, the state is also responsible for providing the requisite ingredients for a robust economy, free from unnecessary regulation and bureaucratic redundancies. Governor Burgum’s 2020 State of the State Address touted a North Dakota that is “strong, growing and full of boundless opportunity.” He pledged to reinvent state government to maximize the potential for economic progress and business development. The occupational licensing environment must be complementary to and reflective of these goals.

The need to balance effective occupational licensing with the need to ensure portability and convenience of licensure is encountered by members of the military and by military spouses. Often, military personnel and families lead itinerant lifestyles, moving from place to place as a military career progresses. One recent census of military personnel in North Dakota counted 6,583 active-duty military in the state, nearly all of whom resided at Minot Air Force Base<sup>1</sup>. The spouses of these active-duty military often build careers of their own. Ensuring that these professionals can secure licensure expeditiously is in the best interests of the economy of North Dakota.

To that end, the 2019 North Dakota Legislature passed Senate Bill 2306. Among other requirements, Senate Bill 2306 required that each occupational licensing board or commission in North Dakota adopt new rules regarding the licensure of military spouses, and specifically required that boards automatically issue a provisional license or temporary permit to a military spouse in the event that a completed application not be processed within a maximum thirty day timeframe. The Department of Commerce was required by this legislation to track compliance with this requirement.

Understanding the current occupational licensing environment in North Dakota is important for anyone wanting to maximize the potential of the private sector. To that end, Job Service North Dakota secured an Occupational Licensing Review and Reform grant, and engaged the Council on Licensure, Enforcement and Regulation (CLEAR) to study the current state of occupational licensing in North Dakota. The Department of Commerce, under the leadership of Commissioner Michelle Kommer, was tasked by the Governor to take the lead in managing this contract and working to ensure a productive analysis of the current licensing environment.

The ongoing COVID-19 crisis makes the need for regulatory reform even more acute. The national economy has been thrown into a tailspin, amid soaring unemployment and professional uncertainty spanning a great many professions. In response to this ongoing crisis, Governor Burgum issued Executive Order 2020-5 on March 19, 2020, which sought to waive some license requirements for those in healthcare professions.<sup>2</sup>

CLEAR built a team of outside professionals and occupational licensing experts, who spent about four months studying the occupational licensing environment in North Dakota. A first phase of research was conducted in 2017 by Saint Francis University, identifying 61 governmental entities with occupational licensing responsibilities in North Dakota. Building from this list, CLEAR’s team was responsible for four primary deliverables:

- Create a directory of occupational and licensing boards and commissions.  
(Scope of Work 3.2.A.1)
- Provide communications to these boards, and conduct a survey of these boards to better understand the current occupational licensing environment.  
(Scope of Work 3.2.A.2-3.2.A.4)
- Provide an analysis to include identification of trends and opportunities.  
(Scope of Work 3.2.A.5)
- Prepare a report to include findings, recommendations for reform based on best practices, and a recommended reform strategy.  
(Scope of Work 3.2.A.7)

<sup>1</sup>DoD Defense Manpower Data Center, cited at <https://www.governing.com/gov-data/public-workforce-salaries/military-civilian-active-duty-employee-workforce-numbers-by-state.html>

<sup>2</sup>Executive Order language can be reviewed on the North Dakota website. <https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-05.pdf>



This report fulfills the final of these deliverables. The deliverables required in Scope of Work 3.2.A.6 (a mid-project status report), Scope of Work 3.2.A.8 (presentation of this report to the Workforce Development Council), and Scope of Work 3.2.A.9 (status reports every thirty days of the project) were fulfilled separately.

We begin this report by examining the current occupational licensing environment nationwide. In an era of increasing professional mobility, and with the need to maximize efficiency and strengthen the business environment evident throughout the nation, occupational licensing is a very active topic in legislatures and statehouses throughout the country. The issue intersects with other prominent topics. Some states have taken a hard look at criminal background questions and so-called “good moral character” questions, which some argue needlessly exclude some applicants from potential career paths and some believe may be discriminatory. Other states have aggressively pushed to reduce obstacles to entry for potential applicants, working with other states and with regional and national associations to create new pathways to licensure that open opportunities but also raise questions of liability.

Next, in this report we look at North Dakota’s current occupational licensing regulatory environment, and how it compares with other states. We define North Dakota as a prime example of what we call a fully autonomous “Model A” environment, in which occupational licensing boards and commissions act with clear independence, empowered to chart their own course and set their own policy agenda. We examine the benefits of this approach, but also some of the perceived pitfalls that stem from the lack of a central organizing bureau or agency.

Lastly, as we look at how the national occupational licensing regulatory environment is impacted by the COVID-19 pandemic. North Dakota’s state government has been highly responsive in this area, and the pandemic casts a bright spotlight on the potential to promote reciprocity for occupational licensing across states. The economic impact of the pandemic only serves to hasten the need for this conversation to take place.

Next, we report on the twin deliverables of the Scope of Work under which we have worked. The Occupational and Professional Board Directory, which was initially seen as a potential “One Stop Shop” for those seeking more information about occupational licensing boards and commissions in North Dakota, required a change of course after we learned of a parallel effort already underway by the Governor’s Office. We report on the spreadsheet we created to fulfill the need for a comprehensive and up-to-date list of current points of contact, while also reporting on how we are supporting other, parallel efforts already underway.

But the bulk of this report is spent focusing on survey efforts undertaken by CLEAR to measure the current occupational licensing environment in North Dakota. Over the course of two months, CLEAR worked with dozens of occupational licensing professionals, who it should be noted were highly responsive during a highly uncertain time for us all. Much of the work undertaken under this contract coincided with the heights of the COVID-19 pandemic. Despite some initial concerns, lengthy delays or difficulties related to the pandemic never materialized.

A pilot survey was developed and field tested with eight boards and commissions identified by the Department of Commerce as likely to provide good responsive feedback, so as to lay the groundwork for the final survey. The pilot survey was disseminated on April 14, with a due date of April 21. The pilot survey had an 88% response rate. One governmental entity did not respond to the survey, but they did provide extensive feedback via email and telephone calls.

Based on the feedback received and lessons learned from the pilot survey, the final survey was developed and deployed to all 61 boards and commissions identified in the Saint Francis University report. The final survey was disseminated on May 13. Non-response follow up began in earnest two weeks later.

During the non-response follow up period, CLEAR staff and Department of Commerce staff agreed that 11 entities identified in the Saint Francis Report were in fact not properly included in the survey cohort and could be removed. This was mostly because these offices were either subsumed within larger offices already on the list, or because it was determined that they did not in fact issue occupational or professional licenses.

The final survey was closed on June 3. Of the 50 entities that were determined to properly remain in the survey cohort, the final survey had a 96% response rate. Only two entities refused participation, with one indicating (after board consideration) that they did not believe they were bound by the mandate to report under the auspices of SB2306, and another entity refusing to participate for indeterminate reasons. Despite these two abstentions, CLEAR felt the survey response far exceeded

expectations. The survey provided robust data on a variety of topics. Respondents should be commended for the obvious care they put into their responses.

The survey findings point to a regulatory system that is well positioned for enhancements to maximize reciprocity across jurisdictions. Board vacancies are rare, measured at 2.4%. Board meetings are happening regularly, most commonly quarterly, but we measured widespread use of “special meetings” to handle boards’ workloads between meetings, with over 70% of boards holding at least one special meeting in the last twelve months. With fully-constituted boards and enough board meetings to handle the demands of licensing, we measured license application times that appear very reasonable. (Mean time to licensure was measured at nineteen calendar days, while median time to licensure was just seven calendar days.) We also found that North Dakota boards and commissions employ a variety of strategies designed to enhance mobility and portability of licenses; of the options we measured, the use of endorsement provisions (37.9%), a shortened application process for out-of-state applicants that provides for licensure verification in good standing, was the most common. We also measured significant utilization of reciprocity agreements with other states (20.7%) and multi-state licensure compacts (10.3%). Eighty-nine percent of respondents reported that they manage complaint processes, which clearly shows that a culture of accountability is already in place.

One of the most surprising findings from the survey response was the time to licensure for military spouses, the target audience for the expedited licensure provisions of SB2306. Our survey identified just 58 military spouses who were identified by survey respondents as military spouses, since the implementation of this new requirement in 2019. Only 1 of those 58 was granted a provisional license under the law. Our survey did not identify why the need for provisional licenses was so low; we believe it plausible that the provisions of SB2306 increased awareness of the need to expedite military spouse licensure and therefore accomplished its goals without the need for provisional licensure. Another explanation — entirely consistent with our findings — is that the licensure environment in North Dakota is operating well enough that a wait beyond thirty days is uncommon.

In the concluding section of this report, we interpret the survey responses and place them in a national context. While we assess the overall occupational licensing environment in North Dakota as operating well, we do recognize a variety of potential obstacles to promoting licensing reform. Some of those obstacles are national and not specific to North Dakota (nor fixable by North Dakota state government, operating independently). Among these national obstacles are the “gradations of licensure” which have been implemented inconsistently across the country. In forging interstate compacts or reciprocity agreements, we discuss the issues inherent in trying to implement national standards in an environment that has been historically resistant to national solutions. We discuss our findings with regard to the criminal conviction and good moral character provisions employed by many North Dakota licensing boards and commissions, and provide specific examples of how some boards are already working to reform their own policies. We provide a menu of options that policymakers may consider, to improve the occupational licensing environment in North Dakota. We outline potential new options for North Dakota’s occupational licensing supervision and coordination model, should the stakeholders conclude that they wish to provide for a more harmonious environment and more consistency across occupational licensing board practices. And we outline vital considerations for public outreach and consensus-building, to ensure that any new policies find receptive audiences.

Altogether, CLEAR measured North Dakota’s occupational licensing environment to be efficient, well-staffed, and conducive to reform. We sincerely appreciate the support we received from Department of Commerce staff and from Job Service North Dakota. We would particularly like to thank the 48 points of contact that responded to the survey. Their responses were detailed, insightful, and very well thought through. This study could not have been a success if not for the evident care they put into their professional responsibilities.

<b>Executive Summary</b> .....	<b>1</b>
<b>I. Introduction of the Project Team</b> .....	<b>6</b>
<b>II. Statutory Genesis for This Survey and Report</b> .....	<b>6</b>
<b>III. An Overview of National Trends</b> .....	<b>7</b>
Accessibility to Criminal Records .....	7
Risk Assessment.....	8
State Models for Occupational Licensing.....	8
COVID-19 Impacts.....	9
<b>IV. Directory of Occupational Boards and Commissions</b> .....	<b>11</b>
<b>V. Survey of Occupational Licensing Boards</b> .....	<b>12</b>
Initial Planning and Scope.....	12
SB2306 Compliance.....	12
Development of a Pilot Survey .....	12
Execution of the Pilot Survey and Results.....	13
Development of the Final Survey .....	15
Non-Response Follow Up.....	15
<b>VI. Survey Findings</b> .....	<b>16</b>
Overview .....	16
Finding 1: Board Vacancy Rates .....	16
Finding 2: Board Composition.....	17
Finding 3: The Nature and Frequency of Board Meetings.....	17
Finding 4: Payment to Board Members .....	18
Finding 5: Gradations of Licensure.....	18
Finding 6: Typical Time to Licensure.....	18
Finding 7: Designation of Licensing Authority to Board and Staff Members .....	18
Finding 8: Other Designated Tasks Undertaken by Staff .....	19
Finding 9: Allowing Military Experience to Count in Lieu of Education Requirements.....	19
Finding 10: Criminal Conviction and Good Moral Character Clauses.....	19
Finding 11: Pathways to Licensure.....	20
Finding 12: Initial and Continuing Education Requirements .....	20
Finding 13: Typical Annual Costs for Licensees.....	20
Finding 14: Current Reciprocity Environment .....	20
Finding 15: Complaint Processes .....	21
Finding 16: SB2306 Compliance.....	21
<b>VII. Interpretation of Findings and Recommendations</b> .....	<b>22</b>
Deliverables and Conclusions.....	22
Potential Obstacles and Opportunities.....	22
Gradations of Licensure .....	22
Pathways to Licensure .....	23
Potential Pitfalls and Benefits Related to Gradations and Pathways .....	23

Geographic Mobility and Universal Reciprocity .....	24
Military Experience and Military Spouses .....	27
Criminal Convictions and Good Moral Character .....	29
Potential Future Models for Consideration.....	30
Outreach Strategies .....	31
Stakeholders .....	32
Process .....	32
Questions for the Future.....	32
For applicants, licensees and employers .....	32
For regulators .....	33
Next Steps and Conclusion .....	33
<b>Appendix .....</b>	<b>34</b>

## I. INTRODUCTION OF THE PROJECT TEAM

The Council on Licensure, Enforcement and Regulation (CLEAR) is a 501(c)(3) not-for-profit corporation based in the Commonwealth of Kentucky. A membership association, with representation from 48 states, Canada, Western Europe, Asia and Oceania, it is guided by a mission to promote regulatory excellence.

During its forty-year history, CLEAR has served as an information clearinghouse and education and training provider for organizations and individuals involved in professional and occupational licensure. Since September 2018, CLEAR has been engaged as a consultant by the State of New Hampshire, as it undertakes regulatory reform efforts that are funded by a grant from the U.S. Department of Labor. CLEAR has also recently completed a study funded by the National Conference of State Legislatures to explore regulatory models that are in place across the United States. To date, CLEAR has provided training for 21,000 regulatory investigators and inspectors, and also offers two educational programs for regulatory board members, and a course for executive leaders.

CLEAR's principal consultant for this project is David Byerman, who most recently served as Director of the Kentucky Legislative Research Commission. In this role David managed the nonpartisan legislative staff in Kentucky and oversaw an agency with approximately 400 employees and a \$70.4 million annual budget. Earlier in his career, he served as the 40th Secretary of the Senate for the Nevada Senate.

David has been assisted by Cory Everett, Colorado Director, Latino Coalition for Community Leadership, where she oversees operations of criminal justice reinvestment projects including the Work and Gain Education and Employment Skills (WAGEES) program totaling approximately \$6 million annually. Cory is the former Deputy Director of Programs and Policy for the Colorado Division of Professions and Occupations, where she advanced workforce development policy for occupational licensing in healthcare and trades through alternative pathways utilizing apprenticeship, internship, and experiential learning, led policy development across healthcare professions with the dual goals of promoting patient access and protection. She was also involved in the design of workforce pathways for veterans transitioning to civilian professions, overseeing policy implementation for 50 professions. Cory also served as CLEAR's 2017-18 President. In addition, the project has benefited from the involvement of Ronne Hines, Director of the Colorado Division of Professions and Occupations, which provides oversight to more than 50 healthcare and non-healthcare boards and programs, including more than 475,000 licensees. The project has also received the administrative support of CLEAR staff members Adam Parfitt, Executive Director, Jodie Markey, Director of Strategic Initiatives, and Shawn Rogers, Director of Operations.

## II. STATUTORY GENESIS FOR THIS SURVEY AND REPORT

Senate Bill 2306 of the Sixty-Sixth Legislative Assembly of North Dakota was sponsored by Senators Meyer, Anderson, Burckhard and Hague and Representatives Nathe and Ruby. It received unanimous approval in both the House and Senate and was signed by the Governor on April 25, 2019. Among other provisions, the bill included a requirement that occupational licensing boards include on each licensure application and renewal form a question as to whether the applicant was a member of the military or the spouse of an active member of the military. For these applicants, the bill required that a provisional occupational license be issued if thirty days had elapsed since the receipt of a completed license application. The bill also included a provision requiring each occupational licensing board to ensure compliance with the act, and for the Department of Commerce to develop a form for each board to submit, reporting on their compliance.

Job Service North Dakota and the North Dakota Department of Commerce collaborated on a Scope of Work to fulfill the reporting requirements of SB2306. CLEAR was selected to fulfill this Scope of Work after a competitive process. The Department of Commerce decided that the reporting requirements of SB2306 would be fulfilled by the licensing boards' participation in the Occupational Licensing Survey that is the subject of this report. The Department felt that this approach would ensure some consistency in reporting on the outcomes of SB2306, while the statutory requirement would likely increase participation by the occupational licensing boards.

### III. AN OVERVIEW OF NATIONAL TRENDS

Occupational licensing has been a subject of significant interest for much of the last decade. At a federal level, the previous and current administrations have actively supported reform, with significant legislative proposals included in the 2015 report *Occupational Licensing: A Framework for Policymakers*<sup>3</sup>. Much of the recent activity has been in response to the growth in occupational licensing during the last sixty years, and to some of the unintended consequences that may result from regulatory programs.

There has been bipartisan support for initiatives that support military spouses and transitioning members of the military. Military spouses experience challenges caused by frequent moves between states, and the need to meet additional licensing requirements and expenses that may result. Transitioning members of the military see challenges in having the skills gained in their military service be inconsistently recognized as they transition to civilian life.

Numerous states have enacted legislation in this area. For example, a bipartisan bill aimed at reducing occupational licensing issues that military personnel and their spouses encounter passed unanimously in North Carolina's state Senate. SB717<sup>4</sup> requires applications from military personnel and spouses be addressed within seven business days, following receipt of the application. Denials must be accompanied by reasons for the decision. Beginning October 31, 2021, the bill also requires each licensing board to complete an annual report, for presentation to the General Assembly and the secretary of the Department of Military and Veterans Affairs, to include the number of applicants, licenses granted, provisional approvals, denial statistics and summaries of denials.

Meanwhile South Carolina SB455<sup>5</sup> (signed May 26, 2020) mandates the issuance of temporary professional and occupational licenses to military spouses and requires the acceptance of military education, training and experience to satisfy professional and occupational licensing requirements of certain state regulatory boards.

#### Accessibility to Criminal Records

Recent legislative activity to address barriers to employment faced by those with criminal records has continued apace, with several states adopting legislation to prevent regulatory boards from automatically rejecting licensing applicants based solely on their criminal history. Recent legislation has included:

- Alabama's SB163<sup>6</sup>, permitting petitions to state courts to secure an Order of Limited Relief, and prevent regulatory boards from rejecting a licensing application based solely on a criminal record.
- Maryland's HB22 of the 2019 Session<sup>7</sup> prohibited the denial of a licensure application based only on a criminal record.
- Illinois' HB2670<sup>8</sup>, provided a guide to regulators about what criminal history should be considered when an application is received.
- California's AB2138<sup>9</sup>, with an effective date of July 1, 2020:
  - Restricts the discretion of the umbrella agencies' boards in using prior criminal history as grounds for denying a license.
  - Bars criminal convictions older than seven years from serving as the basis for denying a license application.
  - Clarifies that criminal convictions must be "substantially related" to the qualifications or duties required by the license or profession in order to be a basis to deny, revoke, or suspend a license.
  - Forbids licensing boards from deny licensing applicants on the basis of a conviction that was expunged, dismissed, pardoned or if the applicant made a showing of rehabilitation for a felony conviction.
  - Licensing boards may no longer require that applicants self-disclose prior convictions unless the license type does not require fingerprint background checks.
  - Licensing boards must now track and publicly report licensure denial and appeal data.

<sup>3</sup>Report prepared by the Department of the Treasury Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor: [https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf)

<sup>4</sup>Bill information can be viewed at the North Carolina legislative website: <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S717v0.pdf>

<sup>5</sup>Bill information can be viewed at the South Carolina legislative website: [https://www.scstatehouse.gov/sess123\\_2019-2020/bills/455.htm](https://www.scstatehouse.gov/sess123_2019-2020/bills/455.htm)

<sup>6</sup>Bill information obtained from LegiScan: <https://legiscan.com/AL/bill/SB163/2019>

<sup>7</sup>Bill information can be viewed at the Maryland General Assembly website: <http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0022?ys=2019rs>

<sup>8</sup>Bill information can be viewed at the Illinois Legislature website:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2670&GAID=15&DocTypeID=HB&LegId=118862&SessionID=108&GA=101>

<sup>9</sup>Bill information can be viewed at the California legislature website: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2138](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2138)

## Risk Assessment

The splintering of occupational licensing means that there is a highly diverse approach within states regarding the regulation of different professions, and across states regulating the same professions and occupations. The range of approaches taken can reduce professional mobility, with the potential to harm both businesses seeking employees and individuals wishing to fill job vacancies. To address some of the challenges posed by the current patchwork of regulatory arrangements, several states (initially Arizona and Pennsylvania) have adopted universal reciprocity legislation. These initiatives, as set forth in Arizona's HB2589<sup>10</sup> and Pennsylvania's HB1172<sup>11</sup>, have been the subject of national attention. Broadly, both pieces of legislation allow for reciprocity for many licensed occupations, provided the applicant pays licensing fees, is licensed and in good standing in another state, and is a resident of the state.

More recently, during the 2019-20 session, Iowa's House File 2627<sup>12</sup> waives initial licensing fees for initial applicants from families below a certain income threshold, permits recognition of three years of work experience as a substitute for education, training and work experience requirements, and creates a uniform standard of review for denial of licensure based on conviction history.

Alternatives to universal reciprocity legislation have typically seen states consider participation in one of the profession-specific multi-state compacts that already exist.

Issuing several license types for practitioners in a single professional field may complicate attempts to streamline reciprocity arrangements and broaden professional mobility initiatives. Unless national standards are in place that define what constitutes, for example, an 'advanced' practitioner in a given field, determinations are likely to differ from state to state, complicating automatic recognition of another state's licensing arrangements.

## State Models for Occupational Licensing

States organize their regulatory functions along a continuum of five traditional models that address how decision-making and operations are shared between state employees and regulatory board members, typically representatives of the profession in which they regulate and practice.

The five regulatory models described by Kara Schmitt (2018) in *Questions a Legislator Should Ask*<sup>13</sup> are

- fully autonomous/independent (Model A);
- autonomous but with a central agency responsible for housekeeping/ administrative functions (Model B);
- autonomous/independent decision-making authority but with a central agency responsible for housekeeping/ administration, budget, personnel, investigations, and discipline (Model C);
- central agency with decision-making authority on all substantive matters while boards are delegated responsibility for some functions (Model D); or
- central agency, commission, or council with final decision-making authority and boards serving only in an advisory capacity (Model E).

North Dakota exemplifies a "fully autonomous" or Model A state. North Dakota boards operate independently and control state policy-making following the powers vested in the board by North Dakota's Legislative Assembly. The boards are the chief decision-making bodies related to issuance of a license, and have a primary role with regard to discipline, revocation and other regulatory rules that define how a person may engage in the profession.

In the past, the primary impetus to establish a centralized agency over autonomous boards was attributed to operational efficiency and centralized data. Since the Supreme Court Decision in *North Carolina Dental Board v. Federal Trade Commission*<sup>14</sup>, interest in regulatory models has reemerged to address state oversight of private market actors. A recent survey of U.S. states conducted by CLEAR revealed an array of benefits and challenges of the regulatory model focusing on themes of efficiency, funding and budget, decision-making authority, streamlining and standardization, communication and collaboration, oversight, and political authority.

<sup>10</sup>Bill information can be viewed the Arizona Legislature's website: <https://www.azleg.gov/legtext/54leg/1R/bills/HB2569P.pdf>

<sup>11</sup>Bill information can be viewed at the Pennsylvania General Assembly's website: <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1172>

<sup>12</sup>Bill information can be viewed at the Iowa Legislature's website: <https://www.legis.iowa.gov/legislation/BillBook?ga=88&ba=hf2627>

<sup>13</sup>Schmitt, K. (2018). *Questions a legislator should ask*, 3rd edition. Nicholasville, KY: Council on Licensure, Enforcement and Regulation. p. 53-54

<sup>14</sup>The Supreme Court's ruling can be viewed at [https://www.supremecourt.gov/opinions/14pdf/13-534\\_19m2.pdf](https://www.supremecourt.gov/opinions/14pdf/13-534_19m2.pdf)

Interestingly, of the boards that have reported a recent or proposed change to consolidate to a more centralized authority or to move from centralized authority to more autonomous boards, all parties have attributed the need for change due to efficiency and cost-savings. Those changing to a centralized authority also noted antitrust concerns, free-market support, job creation, and other factors as drivers for the change. Those changing to a more autonomous authority also noted the desire for better customer service as an impetus.

Regardless of the model, state policymakers, regulatory staff and board members are establishing a wide range of best practices and reforms to reduce unintended consequences of licensure, while promoting consumer protection. These include various policy mechanisms beyond the regulatory structure and power sharing to address matters of anticompetitive conduct. It is worth reiterating that autonomous, centralized and blended regulatory models may all be exposed to anticompetitive conduct and all share opportunities to limit anticompetitive behavior and other economic impacts through policies and reforms unrelated to regulatory board structure.

Because the federal government allows states to establish their own occupational regulation regime (based on *Dent v. West Virginia*<sup>15</sup>), the structure of licensing boards and oversight can vary widely and is responsive to the unique political infrastructure found in each state. North Dakota is no exception and must consider its unique circumstances, economic realities, workforce needs, and governing mechanisms, while also evaluating the benefits and challenges of utilizing an autonomous/independent regulatory model. While such analysis is beyond the scope of the survey discussed in this report, extrapolating the trends noted in survey responses evince certain challenges North Dakota policymakers may face related to its regulatory model. These challenges may include barriers related to:

- Data and evidence-informed decisions, especially to inform state workforce and economic policy;
- Sharing best practices and helpful reforms across siloed boards; and
- Ensuring effective education and onboarding for new board members, including “public” members and those in chair/ leadership positions, on their role, powers, and awareness of unintended impacts of certain licensing policies.

Likewise, North Dakota’s regulatory model may be associated with certain benefits noted as broad trends across licensing boards such as:

- Relatively quick application processing times; and
- Responsiveness of boards to address emerging priority matters, as reflected by the frequency of regular and special meetings.

Survey findings related to the impact of SB2306, which set forth an expedited licensing process for military spouses, could be viewed in this light. The good news is that survey responses appear to indicate an expedited process is not necessary for military spouses – that military spouses and the general public are licensed quickly and typically able to practice within thirty days of initial application. The passage of SB2306 likely reflects an environment in which policymakers were unaware of this efficiency, leading to an assumption that a particular challenge faced in other states must also characterize the licensure process in North Dakota. Our findings show this not to be the case.

This experience leads to a useful conclusion: that data and information sharing are important levers to craft effective policy.

## **COVID-19 Impacts**

It seems timely and important to note the unique challenges that come when considering the occupational licensing environment in the COVID-19 Era. Occupational licensing responses to COVID-19 have seen the reduction in, and of, barriers to enabling a “surge workforce,” which can assist with increased patient numbers in the healthcare system. Most states have enacted legislation or used Executive Orders to permit volunteers from other states to practice without meeting state-specific licensing requirements. North Dakota has been a leader in this regard. Executive Order 2020-5<sup>16</sup>, executed on March 19, 2020, suspended “the licensure requirements for health care or behavioral health professionals licensed” under a number of chapters of statute. In addition, some licensing requirements for hospitals and other health care facilities were also suspended, subject to temporary emergency requirements established by the State Health Officer and the Adjutant General, in consultation with the North Dakota Department of Human Services.

<sup>15</sup>The Supreme Court’s ruling can be viewed at <https://supreme.justia.com/cases/federal/us/129/114/>

<sup>16</sup>Governor Burgum’s Executive Order can be viewed at the North Dakota website:

<https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-05.pdf>



Some states in the region have taken similar approaches. In South Dakota, Executive Order 2020-07 removed restrictions on telehealth and telemedicine and fully recognized licenses held by a medical professional from a compact member state in accordance with the uniform Emergency Management Assistance Compact (EMAC). In Montana, health professionals licensed in another state can register to work immediately and without licensing fees during the state of emergency. Minnesota's Executive Order 2020-23 temporarily relaxed several mandatory licensing requirements, including delaying expiration and renewal deadlines for health care provider licenses. In addition, the Board of Nursing has permitted the use of temporary permits while the declared state of emergency remains in place.

---

<sup>17</sup>Executive Order language available via the South Dakota website:

<https://sdsos.gov/general-information/executive-actions/executive-orders/assets/2020-07.PDF>

<sup>18</sup>Memo from Governor Steve Bullock:

<https://covid19.mt.gov/Portals/223/Documents/4-21-20%20Health%20Care%20Licensing.pdf?ver=2020-04-22-140815-253>

<sup>19</sup>Executive Order language available via the State of Minnesota website: [https://mn.gov/governor/assets/E0%2020-23%20FINAL\\_tcm1055-425466.pdf](https://mn.gov/governor/assets/E0%2020-23%20FINAL_tcm1055-425466.pdf)

## IV. DIRECTORY OF OCCUPATIONAL BOARDS AND COMMISSIONS

The Scope of Work for this contract required the production of “a directory of all occupational and professional boards that license occupations in North Dakota,” envisioning a “One-Stop State Web Page” including contact and other information deemed useful. CLEAR incorporated the production of the board contact information into early versions of its survey instrument.

During the Pilot Survey process, CLEAR and Department of Commerce staff became aware of a parallel effort that was planned by the Governor’s Office. Utilizing funding that had been earmarked for this specific purpose during the 2020 Legislative Session, the Governor’s Office was preparing to update its own “Boards and Commissions” database in an effort that paralleled the Department of Commerce effort. The database update undertaken by the Governor’s Office would involve all boards and commissions, of which the occupational licensing boards and commissions were a subset. The database update was planned to be “self serve” for points of contact for boards and commissions, allowing each board to update its own information in real time.

This produced a bit of a quandary as CLEAR staff coordinated with the Department of Commerce. If their effort was successful and completed on time, the Governor’s Office would produce a dynamic, real-time, always-up-to-date database of all boards and commissions (and, as a subset, of all occupational licensing boards and commissions). The Commerce Department’s “one stop web page,” by contrast, would need to be manually updated and would be largely redundant to the more robust Governor’s Office directory.

In light of these developments, CLEAR and the Department of Commerce changed course and included in the final survey a question that asked survey respondents to verify that the information on the North Dakota Boards and Commission website for their board or commission was up to date. The survey asked that respondents specifically review the following information: the breakdown of voting vs. nonvoting members, the length of terms for members, the term limits for members, the statutory authority for the board or commission, the website for the board, and the board description. Respondents affirmed that the information on the Governor’s Office directory was correct, and provided any corrections, if needed.

At the direction of the Department of Commerce, CLEAR staff combined information from the Governor’s Office website with the information collected in the survey, to produce a North Dakota Occupational Licensing Board Directory in the form of a spreadsheet<sup>20</sup>. This deliverable was provided to the Department of Commerce in its final form on June 25, 2020.

---

<sup>20</sup>At the time of this writing, this spreadsheet can be viewed online at <https://bit.ly/ND-OLBD>

## V. SURVEY OF OCCUPATIONAL LICENSING BOARDS

### Initial Planning and Scope

The Scope of Work that laid out the responsibilities under this contract required, “a form to collect information which allows for the evaluation of each occupational and professional board’s laws and rules to be captured in a uniform manner to assist in the evaluation of this initiative and which complies with the new law.” During a Survey Development Team meeting on April 2, 2020, the Survey Monkey service (surveymonkey.com) was determined by the Research Team to fulfill the requirements for this project.

The objectives of the survey were agreed to as follows:

- Providing a convenient and seamless option for participation by survey respondents, who would likely vary considerably in their tech-savviness;
- Providing cross-platform versatility, accommodating those who wish to respond to the survey using a variety of web browsers, devices, and operating systems;
- Providing brevity and customizability by including question logic and survey branching, as not all questions planned for the survey would apply to all boards and commissions identified in the survey cohort;
- Obtaining necessary contact information for a directory of occupational licensing boards and commissions in North Dakota;
- Measuring the occupational licensing environment in North Dakota, specifically as to its ability to accommodate enhanced reciprocity for license applications by applicants already licensed in other jurisdictions; and
- Fulfilling the statutory reporting requirements of SB2306 of the 2019 Legislative Session.

### SB2306 Compliance

Among other requirements, Senate Bill 2306 of the Sixty-Sixth Legislative Assembly in North Dakota required that each occupational licensing board or commission in North Dakota adopt new rules regarding the licensure of military spouses. Boards were directed to “grant on a case-by-case basis exceptions to the board’s licensing standards to allow the spouse to practice the occupation or profession in the state,” based on specifically-delineated requirements. In these cases, the legislation required that the boards automatically issue a provisional license or temporary permit to a military spouse in the event that a completed application was not processed within a maximum thirty day timeframe. The legislation included a provision requiring every licensing board to review its licensure laws and rules to determine compliance, and to report to the Department of Commerce before August 2020 on the status of that board’s review of its laws and rules. During an early dialogue with the CLEAR Survey Design Team, Commissioner Kommer confirmed that she intended to have the survey fulfill this legislative requirement. It was agreed that this would be noted in the introductory message, and would likely thereby increase the response rate.

### Development of a Pilot Survey

Though it was not part of the original scope of work, the Survey Design Team discussed and ultimately agreed on the feasibility of adding a pilot survey to the project timeline. The advantages gained through utilization of a pilot survey were as follows:

- Testing survey responses with respondents likely to provide constructive feedback;
- Identifying issues that need to be addressed and included in the final survey;
- Deploying non-response follow up strategies in a controlled environment with the ability to refine the approach before a final survey was attempted with a wider audience;
- Testing communications surrounding the survey, and identifying the efficacy of specific messaging strategies; and
- Defining best strategies for disseminating and evaluating survey responses.

The Department of Commerce identified eight licensing boards and commissions that they believed would be ideal partners to assist with the pilot survey. These boards were identified based on their potential to provide constructive feedback, their

likelihood to be willing to participate in a full survey after having already participated in a pilot survey, and their diversity in size and scope. The eight pilot participants included:

- North Dakota Board of Social Work Examiners
- State Board of Psychologist Examiners
- Education Standards and Practices Board
- State Board of Registration for Professional Engineers and Land Surveyors
- State Board of Cosmetology
- State Board of Pharmacy
- State Board of Nursing
- North Dakota Real Estate Commission

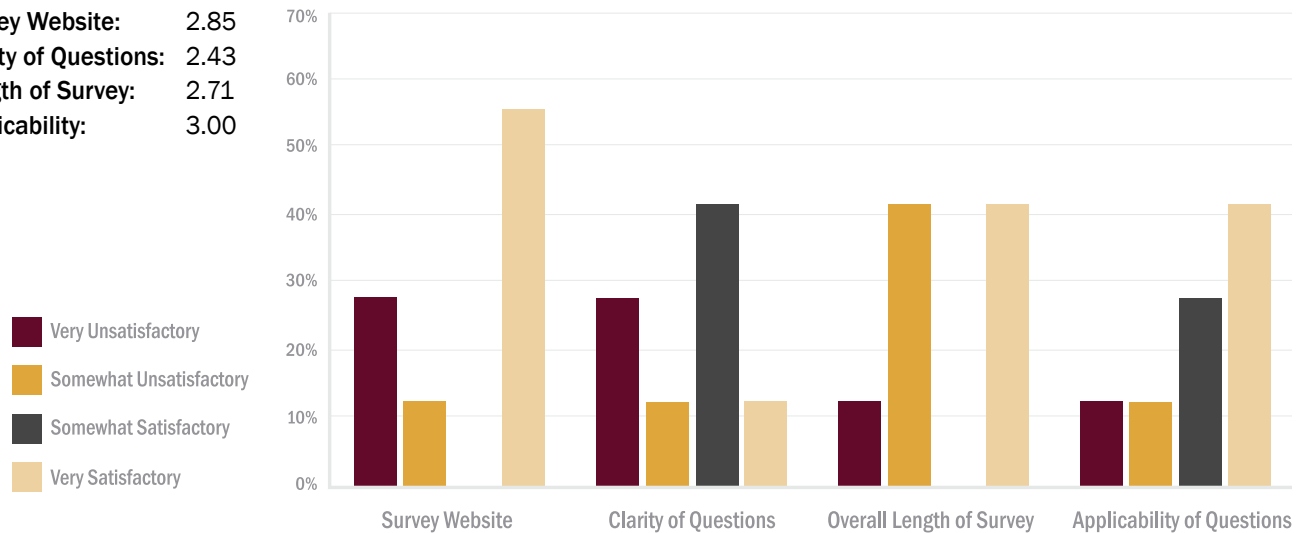
### Execution of the Pilot Survey and Results

The Survey Development Team met on April 2. A variety of topics and survey question types were discussed, and the general scope of the survey was developed. The Research Team was informed of the selected pilot survey participants on April 6. Eleven pilot participants were originally identified, but this number was pared down to eight as the survey was finalized. An early draft of the pilot survey was circulated internally on April 6, and based on feedback from the Survey Development Team, the pilot survey was finalized on April 14. It was agreed that a welcome message from Commissioner Kommer would be helpful, in that it could convey the importance that the Administration placed on this assessment, while also communicating that response to this survey would fulfill the statutory requirements of SB2306. This introductory message was drafted by CLEAR staff, and refined by Department of Commerce staff. The pilot survey was disseminated on April 14, with a due date of Tuesday, April 21.

CLEAR was very pleased with the quality of the responses to the pilot survey. Seven of the eight respondents submitted successfully via the website, while the eighth respondent opted to call back with detailed feedback and suggestions. Non-response follow up was virtually unnecessary; none of the pilot survey participants were completely unresponsive, and the only needed follow-up took the form of answering questions and having discussions about areas for improvement.

In a post-survey questionnaire, respondents were asked to rate different components of the survey on a scale of 1 (very unsatisfactory) to 4 (very satisfactory). Average ratings were as follows:

**Survey Website:** 2.85  
**Clarity of Questions:** 2.43  
**Length of Survey:** 2.71  
**Applicability:** 3.00



While the overall ratings provided by the pilot survey participants showed overall satisfaction in the survey experience, the Survey Design Team was surprised that the website rated relatively poorly. The dissatisfaction in the “clarity of questions” category was understandable, as the pilot survey included untested language that had not yet been reviewed by occupational licensing boards.

The pilot survey revealed a number of refinements that would be necessary in the final survey design:

- 1. Respondents needed better direction on how to start and stop the survey.** In follow up conversations with several pilot survey respondents, the Survey Design Team learned that respondents believed that they had to begin and complete the survey in one sitting. The survey never clearly explained that the website tracked survey responses and would return a respondent back to where they left off, if they closed the survey window.
- 2. The method of dissemination of the survey would need to be revised in order to facilitate non-response follow up.** The pilot survey was sent out with a common web link that all respondents utilized. While this was convenient and allowed for the survey to be freely forwarded from one party to another, it did not make possible any tracking on whether a given survey had been completed, nor whether the email had even been opened. By disseminating the survey via unique URLs, specific to each respondent, tracking survey response (and identifying those respondents that required non-response follow up actions) would be much easier.
- 3. Gradations of licensure needed to be anticipated in the question design.** Many licensing boards and commissions handle multiple levels of licensure (with one specific example identified during the pilot survey being the different levels of nursing licensure: RN, LPN, Clinical). The answers to subsequent survey questions may be different for different levels of license.
- 4. Asking questions about regular meetings wasn't sufficient because of the disproportionately important role that special meetings play in North Dakota.** The pilot survey design did not ask any questions about special meetings, but it turns out that fully 42% of all meetings held by occupational and professional licensing boards are not regular meetings, but instead occur at special meetings as called by the chair.
- 5. Questions about delegated authority needed to be expanded to anticipate the issuing of licenses by Board members and staff on their own authority.** One interesting practice identified during the pilot survey was the practice of delegating authority to issue licenses to specified board members and staff members for routine applications. In many cases it appears that these decisions, in routine cases, need not be ratified by the boards and commissions themselves. This was a surprise to the Research Team and required the rewording of several questions.
- 6. Questions about SB2306 compliance needed to be rephrased to address several scenarios not originally contemplated.** The primary question posed in the pilot survey was a compound question: "How many military spouses have successfully obtained licensure due to the reciprocity provisions of SB2306?" But several pilot survey respondents provided feedback that the question was difficult to answer because of the meaning of "due to" – who was to say whether the bill had made it possible for applicants to achieve licensure? Did this include all military spouses who received licenses? Or was a specific nexus between the applicant and the provisional licensure provisions of the bill necessary? In the final survey, it was decided to break this compound question into its component parts: to measure how many military spouses had applied, and how many provisional licenses had been issued.
- 7. Questions that were intended to help build the Occupational Licensing Board Database were redundant to a parallel effort underway within the Governor's Office, and thereby unnecessary.** During the pilot survey process, we learned that the Governor's Office had been funded by the 2019 Legislature to redesign its Boards and Commissions Database. The database – which already stored much of the information that this project hoped to collect – would be self-managed by the boards and commissions themselves after the redesign. This created the unpalatable scenario where any database created as a result of this survey would be rendered almost immediately obsolete by any changes made by those boards and commissions, changes which would then be self-reported and self-managed on the redesigned Governor's Office database. It was therefore decided by the Department of Commerce that the effort to produce a database would be subsumed under the already-underway project, and that any information collected during this survey process would be shared with the Governor's Office to do with as they saw fit.

## **Development of the Final Survey**

Armed with the results of the pilot survey, the Survey Development Team convened again on April 24 to make decisions on the scope and design of the final survey. The cohort of licensing boards and commissions to be surveyed was determined by the 2018-2019 Job Service North Dakota Workforce Programs Occupational Licensing Review, performed by The Knee Center for the Study of Occupational Regulation at Saint Francis University. That study identified 61 boards and commissions that handled all occupational and professional licensing in North Dakota. This list was reviewed by Department of Commerce staff, who confirmed that the list remained up to date and would comprise the initial survey cohort. Primarily utilizing online resources, CLEAR staff then created a database of email points of contact for each one of the identified boards and commissions.

Commissioner Kommer's introductory message was updated and incorporated into the final survey, which was emailed to all 61 boards and commissions on Wednesday, May 13. Respondents were given three weeks to complete the survey, with a due date of Wednesday, June 3.

## **Non-Response Follow Up**

CLEAR staff and Department of Commerce staff collaborated while the survey was in the field on the task of non-response follow up. There were two automated messages that went out at weekly intervals, reminding non-respondents to participate and reiterating the deadline.

With one week to go before the due date, non-response follow up started in earnest. At that point, 22 completed surveys had been received and 6 surveys were partially completed. One of the first tasks undertaken was to review the non-respondents to determine if they should be removed from the survey cohort altogether. There were two scenarios when this was deemed appropriate: either because the invitee did not, in fact, issue occupational licenses (that is, they should not have been included in the Saint Francis Report list in the first place) or when one invitee was redundant to another (most commonly, when one office on the list was fully contained within another). Under these two rationales, 11 non-respondents were ultimately removed from the survey cohort.

Non-response follow up started with communications from Department of Commerce staff. It was felt that first contact with non-respondents should initially come from an Executive Branch point of contact. This would pave the way for the external consultant to do further follow up as needed. Initial contact was made, either via email or telephone call, late the week of May 25th. CLEAR staff then followed up (in nearly all cases via telephone call) during the final push to the deadline, the week of June 1. During this final follow-up process, a number of points of contact were changed and new invitees were added.

Ultimately, CLEAR staff and Department of Commerce staff realized a 96% response rate. Of the 50 boards and commissions appropriately included in the survey cohort, 48 responded to the survey. Only two refused: the North Dakota Commission of Combative Sports responded, through Secretary of State Al Jaeger, that they would not be completing the survey. And the State Board of Law Examiners, after meeting to discuss the question, elected not to participate because they are not covered by SB 2306 or N.D.C.C. 43-51.

## VI. SURVEY FINDINGS

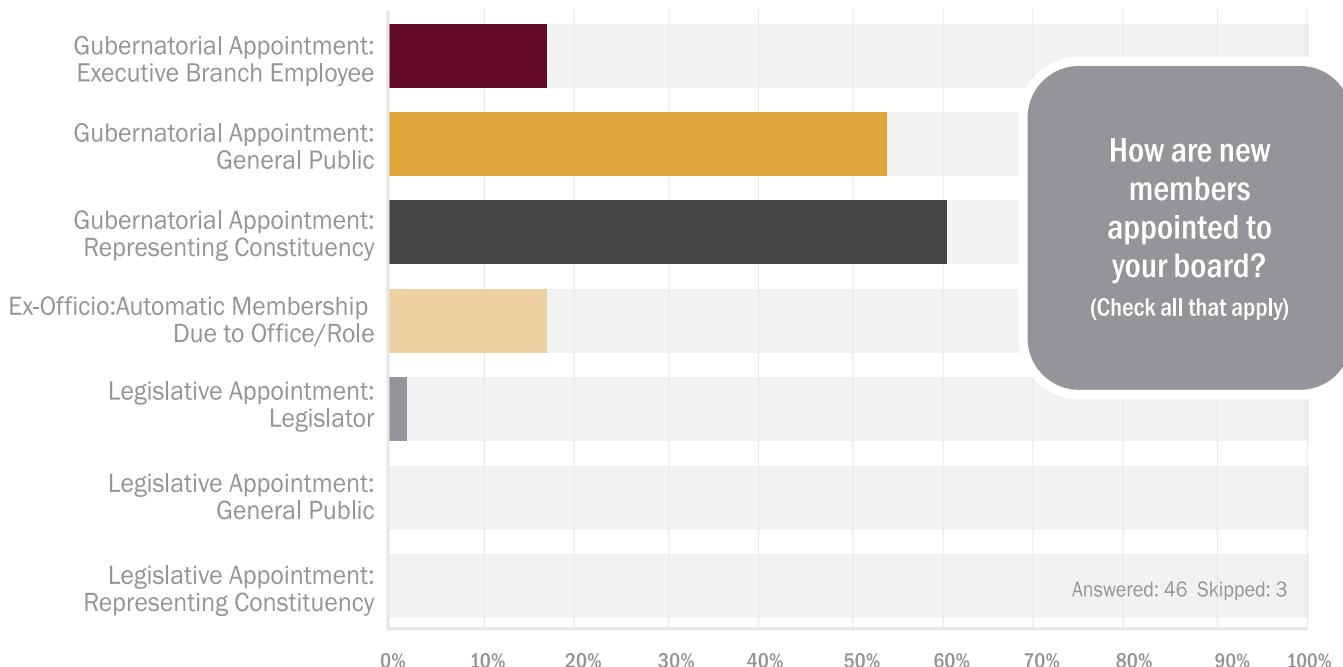
### Overview

The Research Team was unsure what to expect from survey response. There were many factors that mitigated against this effort. First and foremost was the issue of timing. The Occupational and Professional Licensing Pilot Survey went into the field on April 13 and the full Occupational Licensing Survey went into the field on May 14. During this timeframe, the COVID-19 pandemic had thrown the workplace upside down; all state-employed office employees were working from home, if they were working at all. Many employees had taken on new responsibilities, and existing responsibilities were being undertaken using all new office practices. If ever there was a challenging environment to conduct a survey, this was it. The survey response time was expanded to three weeks, in part because of uncertainty about how the invitees would respond to the survey request, and whether they would be available to respond to the survey at all.

Given all of these caveats and lowered expectations, the Research Team was profoundly impressed with the quality of the survey response. The pandemic did not seem to stifle response. Quite the contrary. Survey response was in many cases prompt, and most late-window non-response follow up focused more on identifying the right points of contact, rather than persuading recalcitrant invitees to respond to the survey. The survey responses, particularly to the narrative questions, were answered completely, with well-explained rationales. Altogether, the Research Team believes that the resulting survey data is robust and provides an optimal starting point for determining the best path to reform.

### Finding 1: Board Vacancy Rates

At its meeting of April 29th, the Occupational Licensing Reform Subcommittee heard a status report about this survey initiative. One member of the subcommittee raised a concern about vacancy rates among boards and commissions, and requested that a question be added to the survey that would assess the current vacancy rate of occupational licensing boards and commissions. With the caveat that the survey represents a snapshot in time, the Research Team finds that the current occupational licensing board vacancy rate is measured to be quite low. Questions 3 and 4 ask for the statutory size of the board, and the current composition of the board. (These numbers would be identical if the board were at present fully constituted.) Through the survey, the current number of board seats for occupational licensing boards was measured to be 293 members. The current number of board seats filled at the time of the survey was measured to be 286 members. This means that 97.6% of board seats, at the time of the survey, were filled.



## Finding 2: Board Composition

Question 5 measured how new members were apportioned on occupational licensing boards and commissions. The survey found that the vast majority of seats are filled with gubernatorial-appointed members. A far smaller proportion serve ex-officio (due to the nature of their office) or as a result of legislative appointments. This confirmed the environment that we expected to observe in North Dakota, which is known to be a state with independent boards and commissions that are primarily staffed by and accountable to the Executive Branch.

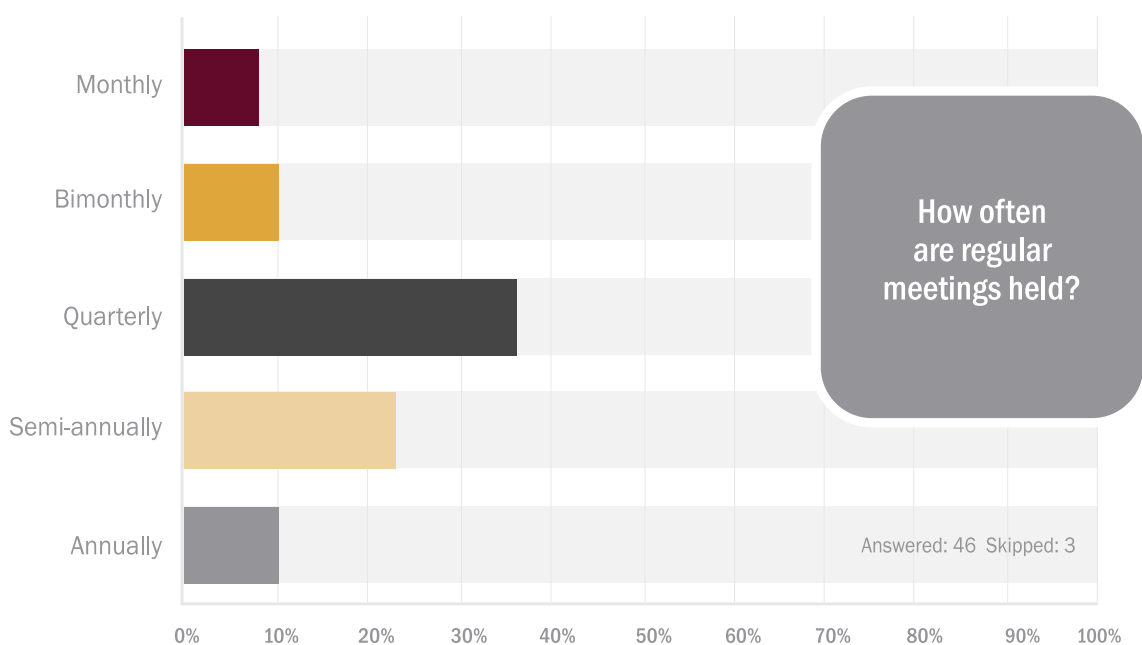
Question 6 asked, “Of your Board or Commission membership, how many members are themselves not current licensed professionals in that field? (this can include retirees and those outside the profession).” The responses to this question were varied. 11 of the 47 respondents (23.4%) answered “0” to this question, indicating that the board was entirely composed of those within the industry. In total, respondents indicated that 81 seats were not current licensed professionals in the field. This represents 27.7% of the total seats.

## Finding 3: The Nature and Frequency of Board Meetings

Questions 8-10 sought to better understand the nature and frequency of board meetings. The pilot survey had informed the structure of these questions, as the pilot found that there was a common practice among the boards and commissions to call special meetings to handle the workload of the board in between regularly-scheduled regular meetings. Of the 48 responses to Question 8 on regular board meetings, the 48 boards reported a total of 176 regular meetings, or roughly 3.67 meetings per board.

For regular meetings of the boards and commissions, the survey found that the most common cadence of these meetings was quarterly. The next most-commonly reported cadence was semi-annually. Again, these rates of meetings only represent the regular board meetings. Special meetings were found to be an important part of the workload as well.

Question 10 asked the frequency of special meetings. These are meetings that are called by the chair in between regular meetings, in order to better and more equitably manage the workload of each board. The survey found that only 14 of the 47 boards and commissions reported no special meetings; this means that over 70% of occupational licensing boards in North Dakota hold these special meetings as a matter of standard operating procedure. A total of 132 special meetings were reported in the responses to Question 10. When added to the 176 regular meetings that were reported in Question 9, a total of 308 meetings were reported. Thus, 132 special meetings represent 42.9% of all occupational licensing board meetings.





#### **Finding 4: Payment to Board Members**

Questions 11-13 sought to measure whether occupational licensing board members were paid and reimbursed for out of pocket expenses, and to measure in detail these pay and reimbursement policies. Of the 48 survey respondents who answered Question 11 on member pay, 40 (83.33%) responded that board members were, indeed, paid. The rates of pay varied greatly. The daily rate ranged from \$50 per meeting day to \$300 per meeting day. The hourly rate ranged from \$10 to \$25 per hour, with hourly pay typically reported for work outside of regular meeting days.

Expense reimbursements were reported to hew closely to state rates and guidelines, and were often explicitly regulated by statute. Mileage reimbursement (currently \$0.58 per mile), reimbursement for meals according to the state's per diem policies (currently \$7/\$10.50/\$17.50), and lodging for overnight stays (\$86.40 per night), and incidentals (\$5) were referenced by most respondents. Some respondents also indicated that conference attendance was reimbursed, as authorized by the board or commission chair. For these boards and commissions, airfare, conference registration, and ground transportation were also reimbursable expenses for conference travel.

#### **Finding 5: Gradations of Licensure**

Questions 15-16 sought more information on gradations of licensure. Many boards and commissions license individuals at different levels. These different levels of licensure may represent differences in academic preparation, levels of responsibility, and, in some cases, differing branches within the same profession. The survey found that 20 boards and commissions (43.5% of those responding) oversee different gradations of licensure. In many cases, the different levels of licensure are North Dakota-specific distinctions, often codified in statute. In some cases, there are national standards that North Dakota adheres to. For example, North Dakota is one of 25 jurisdictions adhering to NNAAP standards for unlicensed clinical personnel in nursing, meaning that those certified under North Dakota's Board of Nursing could take that certification with them to any of the other jurisdictions and attain licensing there.

#### **Finding 6: Typical Time to Licensure**

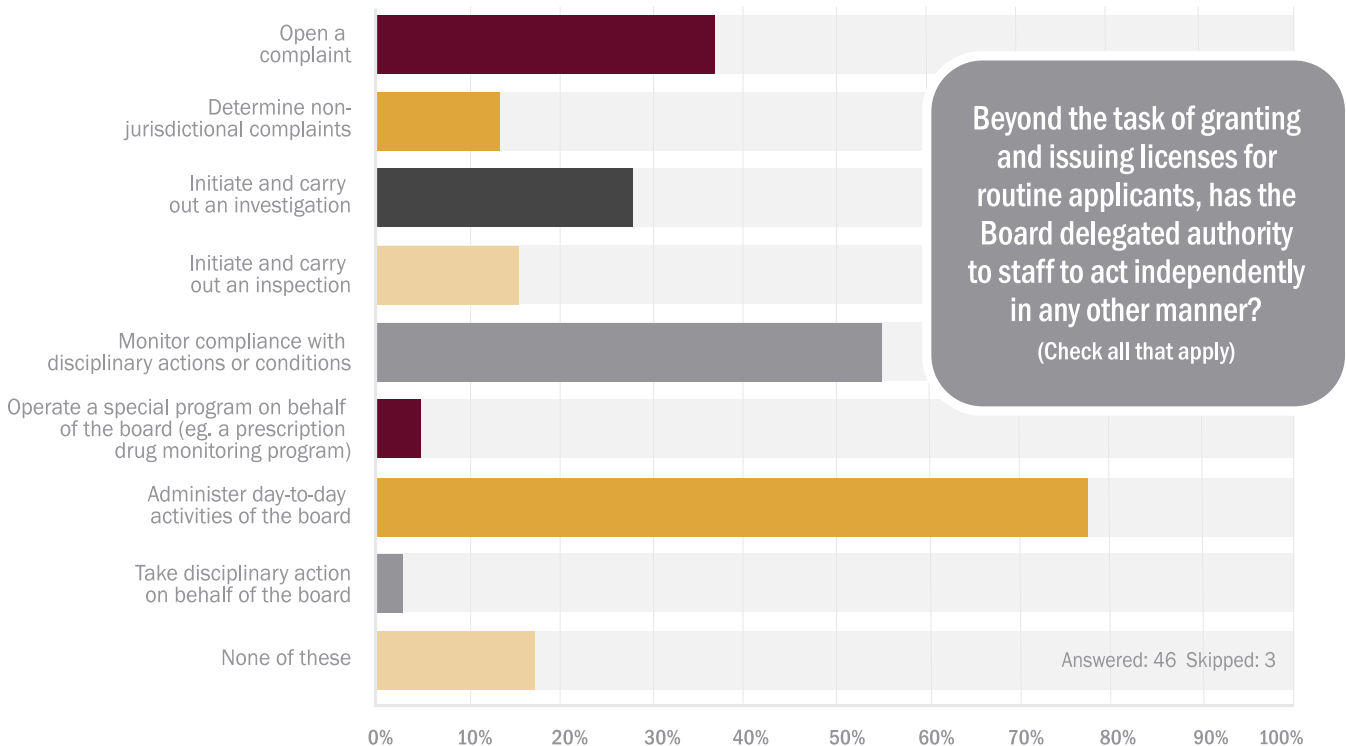
One of the fundamental questions as to the health of any occupational licensing board and commission structure is its ability to efficiently process license applications. Question 18 of the survey asked, assuming a complete application and no delays on the part of the applicant, "what is the typical processing time for licensure from your Board or Commission, from completed application to the license being issued?" Respondents were explicitly asked not to include the time between initial application and completed application, in the case of incomplete applications. There were a wide range of responses, from same-day license approval to processes which could stretch up to 4-6 months. Referencing against the timeframe referenced in SB2306, only 7 boards indicated that their process would typically last longer than one month. These longer timeframes skewed the average response upward; the mean of the survey responses was 18.72 calendar days, while the median response was just 7 days.

#### **Finding 7: Designation of Licensing Authority to Board and Staff Members**

One major difference between the pilot and final surveys was the addition of questions designed to measure designated authority to grant licenses for routine applicants. One of the most surprising findings of the pilot survey was that this practice seemed widespread; the final survey confirmed that this was indeed the case. Questions 19 and 20 sought to measure the practice of North Dakota licensing boards and commissions when it came to such delegation. The survey measured that 14 boards designated the ability to grant licenses to typical applicants to a board member (typically the chairman) while 28 boards reported that such authority was designated to staff members. These findings were surprising to the Research Team, especially because the survey specified that such routine applications would receive designated approval "without input or ratification from the full board."

### Finding 8: Other Designated Tasks Undertaken by Staff

Question 21 sought to measure the many other duties, besides granting or denying licensure, that may be designated to board and commission staff. The question, “beyond the task of granting and issuing licenses for routine applicants, has the Board delegated authority to staff to act independently in any other manner” yielded a variety of ways in which staff operates independently in between regular or special board meetings. The most common response was, predictably, “Administer day-to-day activities of the board,” which was affirmed by 78.3% of respondents. Among other common areas of delegation were monitoring compliance with disciplinary actions, opening complaints, and undertaking inspections.



### Finding 9: Allowing Military Experience to Count in Lieu of Education Requirements

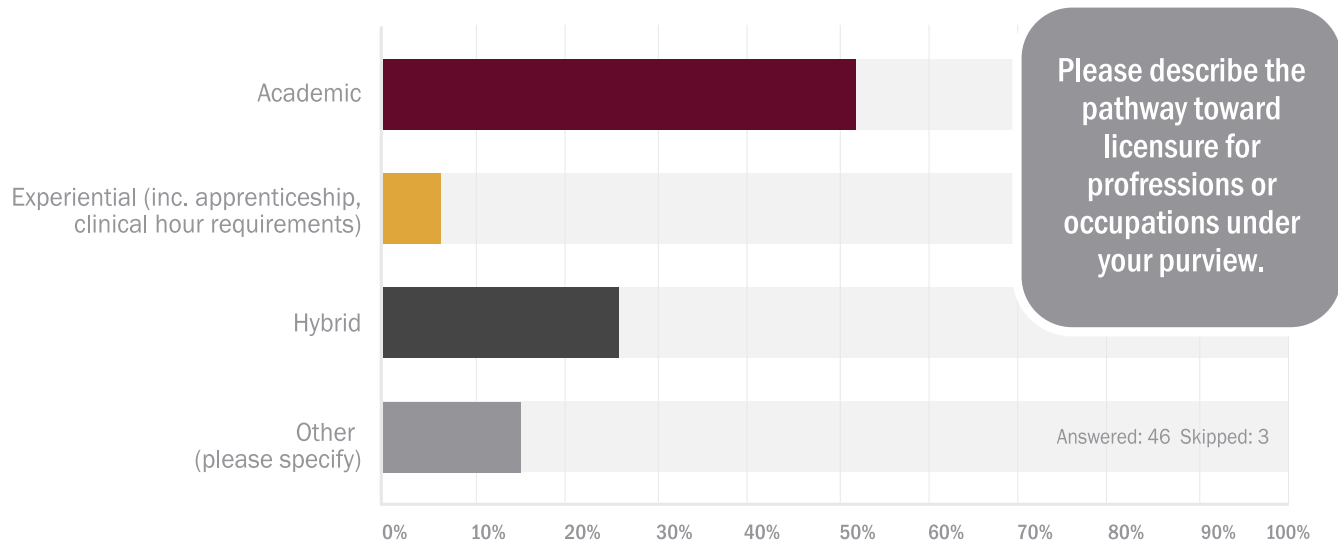
Given this survey’s connection to SB2306, one area of study was whether the occupational licensing boards and commissions were allowing military experience to count in lieu of education requirements for licensure. The survey measured only eight respondents who answered yes to this question. However, further review of the survey respondents revealed that several of these responses seem to have been in error. For example, one respondent reported that military experience enables the applicant to request a waiver, but does not automatically replace education requirements. A different respondent indicated that military experience can count in lieu of education requirements only if the applicant worked under a supervisor with a specific type of certification (again, not an automatic occurrence).

### Finding 10: Criminal Conviction and Good Moral Character Clauses

Questions 23 and 24 sought to measure the extent to which applicants are automatically rejected for criminal convictions or and whether boards consider so called “good moral character” clauses. The survey identified only six boards that “automatically disqualify applicants on the basis of a criminal conviction” — most of those boards do so because a criminal conviction would make it impossible to obtain security clearances that would allow the applicant to perform successfully in the profession. Good moral character clauses were quite a bit more common. A clear majority of occupational licensing boards and commissions employ good moral character clauses, with 28 respondents (62.2%) reporting that their board employs a “good moral character” (or similar) clause as part of its licensure process.

### Finding 11: Pathways to Licensure

Questions 25 and 26 sought to identify the pathways to licensure available to applicants for occupational and professional licenses. A majority of boards (52.2%) reported pathways that were wholly academic in nature, requiring specific degrees or certificates. The second most common pathway was a hybrid arrangement that required both experience and education prerequisites. A minority of boards and commissions reported purely experiential pathways. Other license requirements vary greatly from profession to profession, but can include internships, apprenticeships, and national certification tests.



### Finding 12: Initial and Continuing Education Requirements

Questions 27 and 28 sought to gather information on initial and continuing education requirements for licensure. Predictably, the initial education requirements run the gamut. Some professions require no formal education, but instead rely on apprenticeship and education. Some professions require advanced degrees. There was near universality in at least some continuing education requirements; only four respondents indicated that their occupation did not have continuing education requirements. Those boards and commissions that did report continuing education requirements reported those requirements using a variety of measurements, from hours to credits to courses. Ethics training is a common requirement.

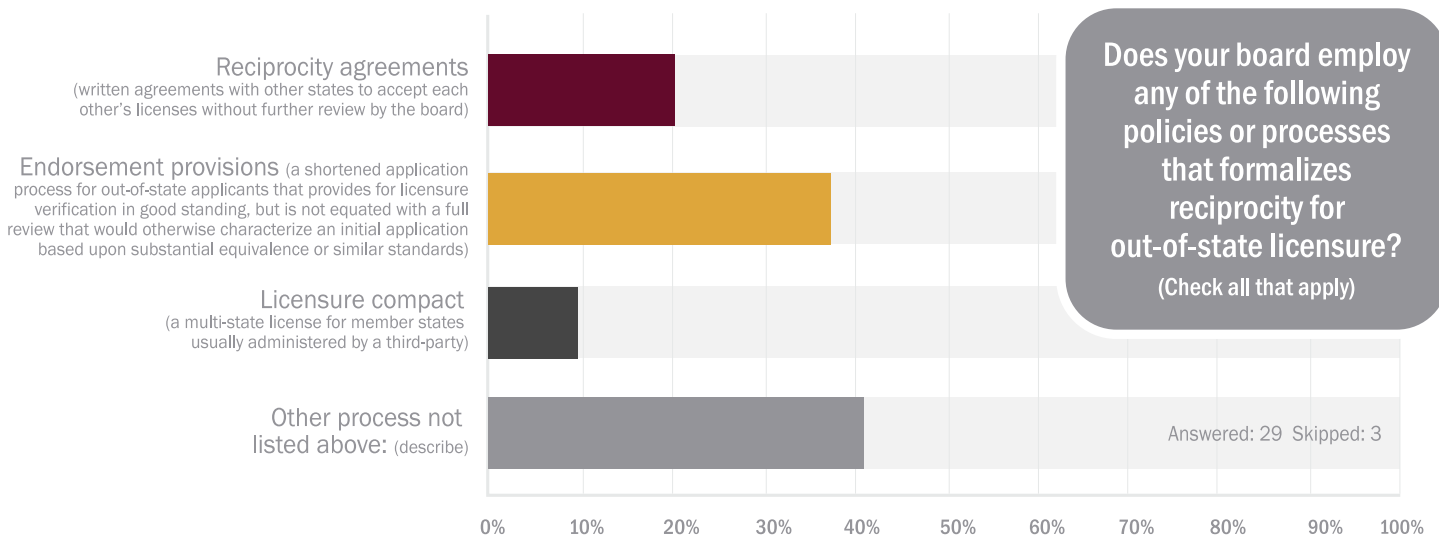
### Finding 13: Typical Annual Costs for Licensees

Question 29 asked how much a typical licensee spends on an annual basis. This is an important question that gauges accessibility to a given profession and provides a starting point for a comparative analysis across states. Initial application fees varied widely, from \$0 in many cases to \$1200 for new dentists. Renewal fees were comparable to – if not slightly less than – initial license fees, ranging from \$0 in many cases to \$750 at the most expensive. A variety of miscellaneous fees were identified in the “informal/other fee” category, ranging from background check fees to administrative fees charged for several professions. Late fees were reported as well. Continuing education fees ranged from \$0 to \$1000 annually, though many respondents reported that continuing education in many cases is up to the individual licensee to pursue in the marketplace, and therefore may range considerably even within a single profession.

### Finding 14: Current Reciprocity Environment

Questions 30-32 sought to characterize the current reciprocity environment. Specifically, these questions sought to better understand the potential for applicants who are licensed in other states to bring that license with them to North Dakota and be automatically licensed, or to apply for a multi-state license that includes North Dakota. Some occupations allow for an expedited licensing process for those who have a license in good standing issued by another state, if the other state has “substantially similar” licensing requirements. Question 30 asked if the respondent has any informal policies in place to expedite applications for out-of-state applicants, or to recognize out-of-state licenses. Nineteen respondents (41.3%) affirmed that they do have these kinds of informal policies in place.

Question 31 identified several specific strategies and asked whether the respondent’s professional licensing body employs these strategies. The most common response was “other process not listed” but most of the narrative responses to this option were variants on the other listed options, often with additional conditions. Of the options specifically listed, the most common response was to report the use of endorsement provisions (37.9%), a shortened application process for out-of-state applicants that provides for licensure verification in good standing, but is not equated with a full review that would otherwise characterize an initial application based upon substantial equivalence or similar standards. Reciprocity agreements with other states (20.7%) and multi-state licensure compacts (10.3%) were also affirmed by some respondents. Those respondents that do engage in multistate license compacts listed the details of those compacts in their responses to Question 32.



### Finding 15: Complaint Processes

Questions 33-36 measured the extent to which occupational licensing boards and commissions facilitated complaint processes for their licensed professions. The existence of complaint processes were measured to be nearly universal, with 89% of respondents confirming that they also manage a complaint process for licensees. Most require complainants to make their identities known: only 35.7% of respondents indicated that anonymous complaints are accepted. The complaint process takes on a variety of forms; we recorded processes that were limited to a commissioner undertaking a complaint themselves, boards that employ outside consultants to referee complaints, and others that vest the complaint process in a board member or staff. All complaint processes described were thorough and well documented.

### Finding 16: SB2306 Compliance

Questions 37-40 measured compliance with Senate Bill 2306 of the Sixty-Sixth Legislative Assembly in North Dakota, which required that each occupational licensing board or commission in North Dakota adopt new rules regarding the licensure of military spouses. Question 37, asking if the board or commission is compliant with SB2306 by adding a question to the license application asking military spouses to identify themselves, is only answered affirmatively by 71.7% of respondents. This was a lower figure than anticipated, and probably reflects exemptions built into the statutory requirement. Questions 38 and 39 asked how many applicants had identified themselves as military spouses on their license applications, and of that number, how many had been granted provisional licenses under the auspices of SB2306. A total of 58 military spouses applied for licenses and were so identified, and of those, only one was granted a provisional license under the law. This squares with responses to earlier questions that showed a remarkably quick turnaround in license applications. It is likely true that only one applicant was granted a provisional license because all other applicants were processed within the statutorily-required 30 day timeframe. While a longer timeframe was not observed in the survey, it is entirely plausible that the bill laid the groundwork for a culture shift expediting license applications for military spouses, thereby reducing the necessity of provisional licenses.

## VII. INTERPRETATION OF FINDINGS AND RECOMMENDATIONS

### **Deliverables and Conclusions**

The survey findings point to a regulatory system that is operating well: broadly speaking, boards are appropriately constituted, meet frequently (either for scheduled or special meetings) and are empowered with flexibility to make decisions in between meetings. Application times appear to be very reasonable and steps have already been taken to ensure that for at least several professions, mobility and portability of licenses are addressed via national, profession-specific, interstate compacts, or profession-specific recognition agreements at a regional level.

Consequently, there is scope for measured reform of regulatory practices in North Dakota, to ensure the current workforce, and those that will follow, operates in a setting that protects both the health and well-being of the public, and the economic vibrancy of the broader economy.

### **Potential Obstacles and Opportunities**

The last decade has seen a resurgence of research related to the effects of occupational licensing on consumers, workers, employers and the economy. In general, this body of work seeks to answer two questions: 1) is occupational licensing effective at protecting the public health, safety and welfare, and 2) do the benefits outweigh the costs?

In 2015, the U.S. Council of Economic Advisors, with the U.S. Departments of Treasury and Labor published “Occupational Licensing: A Framework for Policy Makers<sup>21</sup>.” The report elevated the national conversation concerning occupational licensing. Though initiated during the Obama Administration, many of the policies and priorities initiated by this report were continued by the Trump Administration through the U.S. Department of Labor.

The report effectively summarizes a body of research that supports the benefits of occupational licensing to consumers through higher quality services and improved health and safety standards. It also called attention to the costs of the current regulatory framework which can reduce employment opportunities, lower wages, increase costs for consumers, create barriers to interstate mobility, and create costs that disproportionately affect certain populations.

North Dakota shares many of these same benefits and barriers and like other states will be challenged to grapple with strategies to modernize its regulatory framework. The CLEAR survey results barely scratch the surface when considering North Dakota’s regulatory framework. Questions related to gradations of licensure, pathways, reciprocity, military experience, criminal convictions, and continuing education all point to some of the same economic influences noted by the growing body of research.

### **Gradations of Licensure**

Gradations of licensure speak to the various levels and specialities of licenses that fall under a single board or commission. For example, nursing boards across the United States tend to offer a broad array of license types which, like North Dakota, may include:

- Nurse Assistant
- Licensed Practical Nurse
- Registered Nurse
- Advanced Practice Nurse
- Prescription Authority
- Specialty Authority (e.g. licensed nurse anesthetist)

Responses to CLEAR’s survey show that 44% of boards and commissions offer gradations of licensure. Some gradations appear to identify a clear pathway to advanced licensure. Consider for instance the Plumbing Board, in which an individual may start as an apprentice, graduate to a journeyman and advance to a master electrician. Other gradations relate more to specialties, such as a Licensed Professional Counselor, as opposed to a Licensed Professional Clinical Counselor.

<sup>21</sup>A copy of this report can be viewed at [https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf)

## Pathways to Licensure

While some professions demonstrate a pathway to licensure through gradations, this question on the CLEAR survey was intended to more directly address entry requirements. In general, many licenses require three components:

1. Completion of academic requirements;
2. Demonstration of supervised experience hours; and
3. Passage of an exam.

However, some professions offer alternative pathways. These include but are not limited to:

1. Recognition of military training and experience in lieu of academic coursework;
2. Experiential pathways through a registered apprenticeship in the absence of academic course completion;
3. Competency-based testing/credentialing; or
4. Relying solely on an exam to demonstrate knowledge and skills.

Responses to CLEAR's survey demonstrate that most North Dakota occupational boards and commissions rely on the three-part traditional pathway that requires academic achievement, experience and passage of an exam in order to become licensed. In fact, this was broadly true of both entry-level and advanced credentials. Interestingly, in some cases the advanced credential only required experience while the entry-level requirement seemed to require the higher constellation of barriers such as is the case for applicants upgrading from a licensed appraiser to a certified residential appraiser, but this alternative is not provided to entry-level apprentices. Furthermore, a reliance on academic pathways can be incredibly time consuming and costly for aspirants. According to Student Loan Hero<sup>22</sup>, "Among the Class of 2019, 69% of college students took out student loans, and they graduated with an average debt of \$29,900, including both private and federal debt." The total cost of a license that requires a bachelor's degree far exceeds the license and exam fees.

## Potential Pitfalls and Benefits Related to Gradations and Pathways

Economists studying occupational licensing note that requirements can become mismatched to the risk of consumer harm. That is, those professions that pose the least risk have the more intensive barriers, while those posing relatively less risk to life and safety are easier to enter.<sup>23</sup>

Regulating sub-specialties can contribute to the steep incline in occupational licensing observed over the last fifty years, leading many to question if it is truly necessary to regulate so many professions and occupations to safeguard the consumers' wellbeing.<sup>24</sup>

Any circumstance in which one license type is authorized by the state to supervise and deny market entry to another license type creates a ripe environment for anticompetitive conduct. These policies deserve to be closely scrutinized and monitored.

Multiple pathways also create "earn and learn" opportunities. Many higher level licenses require academic and experience requirements, both of which can be costly. An apprenticeship or entry-level license can ease the burden.

Multiple pathways can also institutionalize entry to practice and can support market participation by groups that may have otherwise struggled to enter, such as people of color and women. Licensing also can contribute to the development of other supports for entry, such as vocational schools, exam-oriented coursework, licensure application assistance, career counseling, and network opportunities which can make a license and career more viable and attainable.<sup>25</sup> It is notable that many labor and workforce policies of the last twenty years were crafted to do just this.

Given the survey results and what appears to be a moderate reliance on gradation and little diversity in pathways, this may represent a key finding for North Dakota policymakers. CLEAR's publication "Questions A Legislators Should Ask" offers useful

<sup>22</sup>U.S. Student Loan Debt Statistics for 2020. (n.d.). Retrieved June 28, 2020, from <https://studentloanhero.com/student-loan-debt-statistics/>

<sup>23</sup>*The Evolving State of Occupational Licensing: Research, State Policies and Trends* (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. Doi: [https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition\\_v02\\_web.pdf](https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf)

<sup>24</sup>U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisers and Department of Labor. *Occupational Licensing: A Framework for Policymakers* (Washington, D.C.: The White House, 2015), 7, [https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf)

<sup>25</sup>Redbird, B. (2017). The New Closed Shop? The Economic and Structural Effects of Occupational Licensure. *American Sociological Review*, 82(3), 600-624. doi:10.1177/0003122417706463

guidelines and questions that can help hone and modernize the regulatory framework to very directly address the risk of public harm and evaluate the cost-benefit analysis of a given approach for entry-to-practice regulations.<sup>26</sup> For example:

- What is the problem that could be solved by the regulation?
- Has the public been harmed due to a lack of regulation of the profession?
- To what extent has the public's health, safety, or economic well being been endangered?
- Have claims of any public harm been documented?
- To what degree does the profession practice independently?
- How much unsupervised access does the professional have to the public?
- Is there a high degree of independent judgment required of practitioners?
- How much skill and experience are required in making these judgments?
- If supervised, is the supervisor covered by regulatory statute?
- If practitioners work under licensed supervision, is regulation of the supervisee necessary?

### **Geographic Mobility and Universal Reciprocity**

Occupational licensure provides a number of benefits to consumers and to the economy more broadly. These are well documented and primary among them relate to consumers and the role boards play in regulating entry to practice. Namely, occupational licensing:

1. Establishes clear competency requirements and rules of engagement to safeguard public health; and,
2. Corrects asymmetry of market information, helping consumers select qualified practitioners when such information would otherwise not be available solely through free market competition.<sup>27</sup>

Geographical mobility is a primary consideration for regulatory boards with good reason. How does a state board preserve the protections above if all applicants are not subject to the same level of scrutiny? Can a board trust another state or entity to do this job while upholding the commission with which it was charged by the Legislature?

Economists have noted some unintended consequences related to occupational licensing, and geographic mobility is one lightning rod for criticism. Research has indicated that occupational licensing can restrict mobility across state lines for licensed occupations more than for unlicensed (unregulated) occupations. This prevents the market from correcting unemployment which impacts the worker, consumer, employer and the economy more broadly.<sup>28</sup> While the burden of initial application can disproportionately affect specific populations and low-income workers, the barrier of moving a license to another state only further compounds these by adding time, cost and confusion.

These considerations can be especially important for smaller and more rural states such as North Dakota, which are more prone to experience a workforce dearth than a surplus.

A number of regulatory policies help boards address this tension. These are:

- a. Interstate Compacts - a contract among states generally to adopt standardized entry criteria for licensure and to share licensing information especially related to suspension, discipline and revocation.
- b. Endorsement Provisions - a process by which an individual holding a license in one state may apply for a similar or equal license in another state without relying on original documentation typically required for initial licensure.
- c. Reciprocity Agreements - an agreement among states to recognize individuals holding a similar or equal license in another state as equivalent and minimally competent. Unlike endorsement, a reciprocity agreement generally is predetermined, providing a more "automatic" approval of an applicant or waiving the application process entirely.
- d. Universal licensure (more recently) - generally enacted through legislation, a policy that allows any person holding a similar or equal license in another state to be recognized as possessing a valid license in the home state.

Responses to CLEAR's survey reveal that North Dakota licensing boards use a broad array of the first three policies: compacts, endorsement and reciprocity. From the responses, it appears most boards utilize endorsement; however, many refer to this

<sup>26</sup>Schmitt, K. (2018). Questions a legislator should ask, 3rd edition. Nicholasville, KY: Council on Licensure, Enforcement and Regulation. p. 53-54

<sup>27</sup>The Evolving State of Occupational Licensing: Research, State Policies and Trends (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. [https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition\\_v02\\_web.pdf](https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf)

<sup>28</sup>Jason Furman and Laura Gialiano, New Data Show that Roughly One Quarter of U.S. Workers Hold an Occupational Licensure (Washington, D.C.: Council of Economic Advisers, 2016), <https://obamawhitehouse.archives.gov/blog/2016/06/17/new-data-show-roughly-one-quarter-us-workers-hold-occupational-license>

process as “reciprocity” despite the fact that a bilateral agreement does not appear to be in place following the definition provided in the survey. A few boards such as the psychology and nursing boards issue a provisional license or temporary permit while the application is processed so that the applicant can get to work without delay. Others, such as the pharmacy and architect boards, leverage national third party organizations, which may set standards to which all fifty states comply or collect pertinent application materials to reduce this administrative burden. Reciprocity agreements are more common in the trades with specific agreements listed: for engineers, land surveyors, plumbers, electricians, and real estate.

While North Dakota boards in general appear to license people very quickly, the process can still be burdensome for the applicant. If the applicant must track down original documentation or if they are responsible for proving the licensure requirements in the state of origin are equal to or more stringent than those in North Dakota, the process can prove confusing or untenable. While statute may authorize a board to utilize endorsement processes, enter into reciprocity agreements or compacts, the individual processes and interpretations for carrying out such policies can diminish their original intent. For example, while many statutes allow for an endorsement process, a board may pass rules that equate this process to initial licensure by requiring original documentation of transcripts, specified coursework, supervised/clinical hours, exam passage and other elements of an application. While endorsement intends to acknowledge that another state has already verified such documentation, phrases such as “substantially similar” are vague, while requirements in other states may change frequently through legislation. Many boards across the country are challenged to maintain current understanding of initial licensure requirements in each state and engage an apples-to-apples comparison based on unique scopes of practice. For example, what if an applicant’s state of origin is nearly equivalent except that North Dakota allows licensees to engage in one modality in which the applicant did not have training because it was not part of the scope of practice in the original state? How is this remedied?

Legislation related to universal licensure has been utilized in other states to reverse the unintended consequences of restricting geographic mobility and to clearly articulate state policymakers’ intent related to the endorsement process. The concept of universal licensure seeks to extend the benefits of policies such as military spouse licensure and temporary emergency or disaster exemptions. Both policies embody the foundation of universal licensure but limit the risk by extending the benefit to only military spouses or in certain time-limited circumstances.

In its various forms, recent legislation for “universal” licensure does not waive the application process nor eliminate requirements that could disqualify an applicant. These conditions are often specified in statute and may require that the applicant:

1. Practice a number of years, especially recently;
2. Pass a criminal background check;
3. Pay a fee;
4. Hold a “substantially equivalent” license; and/or,
5. Hold a license that is free of discipline.

Thus the term “universal” can sometimes be considered a misnomer in that holding a license in another state is no guarantee the applicant can obtain a license in a “universal” licensure state. Likewise, in order to obtain such a license, the applicant must still engage an application and approval process. It is notable that many universal licensure legislative initiatives closely align to current statutory provisions related to out-of-state applicants. Consider, for example, North Dakota’s Real Estate Commission statute. Section 43-23.3-04.01 outlines the requirements enacted by Arizona’s “universal licensure” legislation<sup>29</sup>, stating:

*43-23.3-04.1. Issuance of permits to applicants licensed or certified by another state. The board shall issue a permit to an applicant who is licensed or certified in good standing by another state if the other state’s requirements to be licensed or certified are at least substantially equivalent to the requirements imposed by this state, and if grounds for denial of the application under section 43-23.3-18 do not exist. Within sixty days of filing a completed application, the board shall issue or deny the application and inform the applicant of the decision.*

There are two primary drivers for delays in out-of-state application processes: 1) confirming the absence of discipline in another jurisdiction and 2) the determination of substantial equivalence.

<sup>29</sup>The statute can be viewed in context at <https://www.legis.nd.gov/cencode/t43c23-3.pdf#nameddest=43-23p3-04p1>



Boards often confirm any disciplinary history by requesting a verification of licensure from the state of origin. Increasingly, this confirmation can be made online. The State of Colorado, for example, provides a single website where any member of the public or state licensing board can look up a license and view the disciplinary record, if any exists. Some professions, again using the example of North Dakota's Real Estate Commission, facilitate a national registry such as the Appraisal Subcommittee National Appraiser Registry which reflects licensure history.

The determination of substantial equivalence can be much more complicated and onerous. Fragmentation across states in licensure requirements and practice levels can make such a comparison nebulous. Since each state is different, boards are forced to consider applications on a case-by-case basis, which can lead to delays in the application process. In some circumstances, the burden of proving substantial equivalence is placed on the applicant rather than facilitated by the board or board staff.

For example, in CLEAR's survey, the North Dakota Real Estate Commission explained its interpretation and process for fulfilling a statutory requirement (43-23.3-04.01) to issue a license to someone with a license in good standing in a substantially equivalent state. The application process requires the applicant submit:

1. A signed application;
2. Letter of history verifying good standing in another state;
3. Certification of no pending or past disciplinary proceeding against the license in any jurisdiction;
4. Documentation of the current requirements of the state in which the applicant was originally licensed or certified in;
5. A criminal history background check; and
6. The application fee.

A requirement that the applicant demonstrate substantial equivalence can be vague, especially if the applicant does not share the regulatory expertise of board staff and members. What type of documentation satisfies such a requirement? Is it a copy of the statute and rules, the original application or some other documentation?

Increasingly, boards, federations, professional associations and other bodies are undertaking comparative licensing analysis to internally maintain and/or publish licensure requirements in each state in part to facilitate an evaluation of "substantial equivalence." Such directories must be maintained at least annual to account for any changes in a state's licensure requirements through legislation or rulemaking.

Instead, states may consider improving geographic mobility through policies that specifically expedite the review of substantial equivalence and licensure verification. Options may include:

1. Funding a staff position or department with the sole purpose of maintaining substantial equivalence analysis;
2. Requiring each board to publicly notify which states are and are not considered substantially equivalent and noting the gap analysis to inform the specific requirements an applicant from that state must fulfill to become licensed. Similar to initiatives related to veteran licensing, states may consider working with local education providers to design bridge programs to remediate just the skill gap;
3. Reciprocity agreements with surrounding states to facilitate regional mobility. Such agreements are memorialized typically in writing in which a group of states has preemptively conducted substantial equivalence analysis and/or agree to maintain similar licensure requirements while party to the agreement; or
4. Relaxing restrictions on telepractice authority to allow patients/consumers to access services and specialists remotely, which can be especially helpful in border regions.

Licensees that participate in a licensure compact perhaps enjoy the most freedom and least burden when transferring to a new state. In this case, a third party agency (often born from a professional association or federation of state boards), establishes application criteria. A licensee submits all requirements for a "compact" license which, once approved, is then accepted in all member states without the requirement to re-apply such as with endorsement or universal licensure. One of the primary reasons compacts are so effective relates to the data sharing; each applicant has a single record and information concerning discipline and public safety is exchanged among member states. Boards that do not participate in a compact will face an additional burden to ensure that an applicant is not "fleeing" discipline in another state. License verifications and criminal background checks can be effective tools, as can the National Health Practitioner Data Bank or other national registries.

Compacts are growing in popularity. Only six currently exist, of which North Dakota belongs to five; these are for teachers, physicians, nurses, physical therapists, and emergency medical services. North Dakota is not a member of the psychology compact which is the newest and perhaps most limited of the interstate compacts addressing primarily teletherapy and time-limited licensure.

The CLEAR survey did not delve into the individual processes, barriers or national comparative analysis by license type. However, North Dakota policymakers, regulators and Reform Subcommittee members may pursue a multitude of considerations that could assist the state to determine the current status, obstacles and opportunities related to the geographic mobility of a license. A menu of options may include:

1. Engage out of state applicants on their experience with the endorsement, reciprocity or compact process. What were the unforeseen costs or speed bumps in the process?
2. Host a roundtable of regulators and/or board leadership on the concept of “universal” licensure and the primary barriers regulators face in determining if an out-of-state applicant is competent and safe to practice.
3. Where statute requires “substantial equivalence” or “equal or more stringent” language, evaluate how such a measure is met. Who is responsible for the burden of proof? How much time does it take or how complex is such analysis for board members and staff that process applications? If requirements are divergent across states, can policies emphasize a range of acceptability?
4. If an exam is required, consider accepting all exam types in a profession rather than limiting the options to just one or two providers.
5. For applicants with experience, consider relying solely on the exam rather than requesting information on education and experience which could be difficult to track down after several years have passed.
6. After gathering data and feedback, consider processes and rules that would help streamline the out-of-state application process. Consider legislation if the intent for such policies is mismatched to the current process.

The above options are by no means exhaustive. There is no substitute for convening relevant stakeholders to consider opportunities that are unique to North Dakota’s regulatory landscape and economy.

## **Military Experience and Military Spouses**

Given that this study and survey coincides with the advent of SB2306, a specific examination of the experience of members of the military and military spouses is warranted. The burden of occupational licensing disproportionately affects military veterans and spouses. Veterans often face state policies that do not acknowledge or count the training and experience they accrued while performing a similar military job. And when a state does acknowledge and credit such experience, the benefit hinges on an honorable discharge regardless of the individual’s competence and ability to practice safely.

Military spouses are highly mobile and often required to move every two to three years. A 2018 seminal report on the military spouse labor market information poignantly called attention to the disproportionate impact of occupational licensure:

*Military spouses are more likely than other workers to be caught up in this country’s patchwork of occupational licensing laws, both because they are more likely to move across state lines and because they are disproportionately employed in occupations that require a license. The Bureau of Labor Statistics estimates that 22 percent of all workers required a government license to do their job in 2016, while 35 percent of military spouses in the labor force worked in occupations requiring a license or certification (U.S. Department of Treasury and U.S. Department of Defense 2012).<sup>30</sup>*

CLEAR’s survey of North Dakota boards and commissions points to an encouraging state of policy regarding military spouses across all professions. Unlike other states in which a military spouse could wait up to three months for a license (even without complicating factors such as a criminal record), spouses in North Dakota enjoy speedy licensing times from application to approval. While the CLEAR survey sought to understand the utilization of provisional licensure directed by SB2306, the clear portrait painted by the survey data is that North Dakota boards provide quick turnarounds without the lengthy pitfalls that tend to impact spouses most.

Like other considerations related to geographic mobility for the general population, North Dakota policymakers may further investigate the experience of the spouse up to the point of application. How long did it take to obtain required documentation?

<sup>30</sup>U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisers and Department of Labor. Military Spouses in the Labor Market (Washington, D.C.: The White House, 2018), 4, <https://www.whitehouse.gov/wp-content/uploads/2018/05/Military-Spouses-in-the-Labor-Market.pdf>

What was required from the point of investigating licensing requirements to submitting a complete application? How much work did the spouse do prior to submitting an application — what was the cost considering finance, time and burden? The responses to this line of questioning may be relatively benign, in which case there may be few policy gains to be made in relation to military spouse licensure.

Trends related to military experience proved disparate across North Dakota boards. The CLEAR survey asked if military experience could count in lieu of education requirements, to which the overwhelming majority (82 percent) responded in the negative. Such a trend may also be consistent with boards nationwide. Frankly put, it is difficult to assess military training and experience. For this very reason, the Department of Defense (DoD) has made it a priority to improve how military training and experience is captured in a manner that is understandable to civilian academic institutions and licensing boards. The DoD is also working with the University of Minnesota to evaluate state policies and recommend strategies to deepen reform for veteran and spouse licensure. As an indicator of board implementation of military licensing legislation, the University of Minnesota contacted boards in all 50 states for six professions. They found, “44 percent of boards were not accessible on the first attempt. Customer service representatives were most often not aware of the legislation specific to military spouses. Only about 40 percent of boards had information on websites specific to military spouse license and credential.”<sup>31</sup>

Still, many states have already pursued legislation to advance licensing policies for military spouses and veterans. Of these, improved communication is a key finding, and one that does not require legislation or rule changes. Colorado, for example, launched a single website dedicated to military spouse and veteran licensing, which centralizes information on various state policies benefiting this population: fee waivers, reinstatement of expired licenses, temporary license waivers, and military pathways to civilian licenses.<sup>32</sup> Other states, such as Illinois, have appointed a military liaison to help applicants navigate the state’s regulations. Florida tasked the Veterans Employment and Training Services program to provide skills assessment, information and assistance to veterans reentering the civilian job market.<sup>33 34</sup>

Spouses, specifically, could benefit from universal recognition of all state licenses, as is the case in Utah. This allows spouses to practice in the state, if they hold a license in good standing in another state and pay applicable fees in Utah. The U.S. Department of Labor also compiles military spouse provisions by state, which is a helpful tool to learn about other state approaches to reform.<sup>35</sup>

One of the main initiatives affecting veterans requires licensing boards and commissions to accept military training and experience toward license requirements. This can be especially difficult if a license requires a specific academic degree from an accredited institution. This challenge has resulted in three new innovations:

1. Bridge Programs: Some states have acknowledged that military training and experience relates to part but not all of such a degree program. They engaged academic stakeholders to identify gaps and develop bridge programs that require the veteran only complete a few courses rather than a full degree.
2. Alternative Pathways: similar to bridge programs, if military training and experience delivers the same minimum competence as a civilian academic/experience pathway, the state allows the board to confer a license automatically without completing remedial coursework. For example, a military post as a medic may directly satisfy minimum competence requirements to become a CNA, without having attended a civilian training program.
3. Licensure by exam: If a license requires passage of an exam, some state policies allow a board to credit military training and experience toward license requirements and skip directly to the exam to demonstrate minimum competence and knowledge.

Many states have re-evaluated policies that confer these benefits based on military discharge status. Amending language that requires only honorable discharge more directly connects policy to competence.

<sup>31</sup>Defense-State Liaison Office. (n.d.). Discussion Points for Evaluating State Actions to Support Improved Licensure Laws. Retrieved July 01, 2020, from <https://statepolicy.militaryonesource.mil/key-issue/evaluating-state-actions-to-support-improved-licensure-laws/discussion-points>

<sup>32</sup>Military & Veterans Program HOME. (n.d.). Retrieved June 28, 2020, from <https://dpo.colorado.gov/Military>

<sup>33</sup>Military Service Members and Spouses. (n.d.). Retrieved June 28, 2020, from <https://www.idfpr.com/military.asp>

<sup>34</sup>*The Evolving State of Occupational Licensing: Research, State Policies and Trends* (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. doi: [https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition\\_v02\\_web.pdf](https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf)

<sup>35</sup>U.S. Department of Labor. (n.d.). Military Spouse Interstate License Recognition Options. Retrieved July 01, 2020, from <https://www.veterans.gov/milspouses/>

## Criminal Convictions and Good Moral Character

Like veterans and military spouses, occupational licensing also disproportionately affects individuals with criminal histories. Whether because of blanket bans, good moral character clauses, or simply the sheer cost of application, state policies can systematically exclude anyone with a history in the criminal justice system. Some state policies allow a board to deny an applicant a license just for being charged, whether or not the applicant was ever found guilty of committing a crime.

CLEAR's survey specifically asked North Dakota boards a series of questions related to the justice population. The survey addressed automatic disqualifications and good moral character clauses. Nearly all boards, with the exception of six, do not make automatic disqualifications for a criminal conviction. Most boards (62 percent) do have "good moral character" or similar clauses.

The policies regarding criminal convictions among North Dakota boards appear to vary widely. For example, the Board of Barber Examiners' statute cites "temperate habits" while the Accountancy Board references "a history of dishonest or felonious acts." Some boards rely on an attestation and self-report while others engage a criminal record check. Some consider only felonies. Several report that "good moral character" has never been utilized to disqualify an applicant. Most reference that the board engages a review process if a criminal conviction is present. The Marriage and Family Therapy Board is working on a decision matrix related to convictions while the Chiropractic Board reported it is in the process of removing the "good moral character" clause.

Determining how boards enact or interpret such statutes/rules can be inconclusive. For example, boards may not track license denials based on a criminal conviction or other data that would be pertinent to crafting evidence informed policies. Likewise, the existence of such clauses can serve as a deterrent to potential applicants, preventing them from seeking licensure or a particular career pathway in the first place.

While most boards appear to consider criminal convictions in the context of the applicant's competence and ability to practice safely, it can be useful to publicly affirm this process in state policy. This could happen at a board level or through a legislative instrument. The decision matrix referenced above, under development by the Marriage and Family Therapy Board, is one example. Legislation in other states has required boards to identify the specific crimes related to practice to narrow the scope of a criminal record check or disclosure.

The National Council of State Legislators (NCSL) highlights a number of policies to address criminal convictions such as:

- Removing blanket bans
- Relevancy limitations
- Certificate of rehabilitation
- Pre-qualification process/standards

NCSL also points out that some state laws provide protections for employers that hire people with criminal convictions.<sup>36</sup>

New Hampshire passed SB589 in 2018, which addresses both relevancy limitations and a pre-qualification process. However, it goes a step further to require a board to give reasons for denial in writing, explain remedial measures to address the board's concerns, and limit the fees a board may charge to render a determination. The bill also requires the board to report annually on the number of licenses granted and denied to applicants with a criminal record. Colorado added a similar criteria to its sunset process which states:

*Whether the agency through its licensing or certification process imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses or certifications that the agency denied based on the applicant's criminal history, the number of conditional licenses or certifications issued based upon the applicant's criminal history, and the number of licenses or certifications revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.<sup>37</sup>*

<sup>36</sup>The Evolving State of Occupational Licensing: Research, State Policies and Trends (2nd ed., p. 17, Rep.). (2019). Denver, CO: National Conference of State Legislatures. doi:[https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition\\_v02\\_web.pdf](https://www.ncsl.org/Portals/1/Documents/employ/Occu-Licensing-2nd-Edition_v02_web.pdf)

<sup>37</sup> Colorado Revised Statutes Title 24. Government State § 24-34-101. Department created—executive director, §§ 34-101(6)(IX)-101(6)(IX) (2019).

Lastly, occupational licensing policies regarding justice involvement tether state boards and commissions to correctional policies and trends. Yet many board members do not receive training or regular education about their state's justice system. They may be unaware that concerns regarding mass incarceration have prompted calls for reform in policing, courts and corrections. Statistics related to mass incarceration directly feed into state policies regarding justice involvement and good moral character.

One in three Americans has a criminal record. Black men are six times more likely to be incarcerated than white men. More than just communities of color, mass incarceration disproportionately affects lesbian, gay, bisexual and transgender individuals as well as people with histories of mental illness. In North Dakota, one in 82 people is on parole or probation and the Pew Charitable Trust reports that more than three-quarters of Americans on probation or parole were convicted of a nonviolent offense.<sup>38</sup>

Occupational licensing boards and commissions have a real opportunity to dramatically impact recidivism which the Bureau of Justice Assistance estimates at 35 percent in North Dakota.<sup>39</sup> Employment is known to reduce criminogenic risk bringing financial security to the individual and family. Yet the National Inventory of Collateral Consequence of Conviction catalogs over 6,000 occupational licensing consequences for people with criminal records.<sup>40</sup>

In order to craft and implement evidence-based and equitable policies, board and commission members must be empowered with education, data, feedback loops and training. This means sharing corrections statistics, collecting and evaluating licensing data, and collaborating across traditional lines to harmonize licensing, justice and workforce goals within the state.

## Potential Future Models for Consideration

North Dakota's regulatory structure, like many "Model A" Autonomous Board states, may provide some important efficiencies. Large centralized agencies, while leveraging economies of scale can also be susceptible to bureaucratic and complicated process delays. Conversely, as demonstrated in survey responses, North Dakota boards and commissions appear to process applications very quickly while facilitating deeper review when a competence or a practice safety matter is flagged.

As mentioned previously in this report, universal licensure legislation can be useful to clarify the state's intent regarding out-of-state applicants and to harmonize requirements across disparate boards and commissions. However, many board statutes may already note the same requirements as those embodied in universal licensure legislation enacted in states such as Arizona or Pennsylvania, making such legislation redundant without clearing barriers related to licensure verification and substantial equivalence evaluation.

North Dakota policymakers may consider initiatives to improve geographic mobility through policies that specifically expedite the review of substantial equivalence and licensure verification. Some examples of these alternatives include:

- Funding a staff position or department with the sole purpose of maintaining substantial equivalence analysis.
- Requiring each board to publicly notify which states are and are not considered substantially equivalent and noting the gap analysis to inform the specific requirements an applicant from that state must fulfill to become licensed. Similar to initiatives related to veteran licensing, states may consider working with local education providers to design bridge programs to remediate the skill gap.
- Reciprocity agreements with surrounding states to facilitate regional mobility. Such agreements are memorialized typically in writing in which a group of states has preemptively conducted substantial equivalence analysis and/or agree to maintain similar licensure requirements while party to the agreement.
- Relaxing restrictions on telepractice authority to allow patients/consumers to access services and specialists remotely which can be especially helpful in border regions.

Other effective practices to expedite the application process are already in place and appear to be widely used by North Dakota boards and commissions. These include:

<sup>38</sup>Probation and Parole Systems Marked by High Stakes, Missed Opportunities. (n.d.). Retrieved July 08, 2020, from <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/09/probation-and-parole-systems-marked-by-high-stakes-missed-opportunities>

<sup>39</sup>The recidivism rate includes any new convictions or technical violations of offenders within 36 months of release from prison.

North Dakota. (n.d.). Retrieved July 08, 2020, from <https://bjafactsheets.iir.com/State/ND>

<sup>40</sup>National Inventory of the Collateral Consequences of Conviction. (n.d.). Retrieved July 08, 2020, from <https://nij.ojp.gov/topics/articles/national-inventory-collateral-consequences-conviction>

- Delegations of authority from the board/commission to staff to approve applications that do not trip screening criteria related to a competence or practice safety matter (e.g. discipline in another jurisdiction);
- Temporary permits that allow an applicant to automatically work upon submission of an application, pending final approval; and
- Streamlined and nimble workflows among board staff and the ability to quickly call a board/commission meeting to maintain an approval process free of lengthy delays.

As a state with an Autonomous Board structure, North Dakota is at greater exposure for fragmentation in board policies and processes. Ultimately, the regulatory structure employed by a state must be responsive to that state’s unique landscape including its policy goals, investment priorities and infrastructure. North Dakota may particularly consider introducing elements of other models that would address the absence of broader coordination and confusion for both applicants and consumers. Alternatives include:

- *Centralized Database:* This could include the pursuit of a central licensing database like Oklahoma recently implemented, making its Department of Labor the central coordinating entity for the reporting of occupational licensing information from all state agencies, boards and commissions. A central database could also help the state to track regulatory data to inform evidence-based policy about occupational regulation, as well as other policy objectives for workforce or education infrastructure.
- *Communities of Practice:* In the absence of a centralized agency to house all boards, commissions and their administrative staff, North Dakota regulatory practitioners could be susceptible to the isolation of their silos. Facilitating a community of practice among regulatory staff and board/commission members could promote more harmonized policymaking and facilitate the sharing of best practices among boards. The Harvard Business Review notes, “Communities of practice can drive strategy, generate new lines of business, solve problems, promote the spread of best practices, develop people’s professional skills, and help companies recruit and retain talent.<sup>41</sup>” This could be an especially useful strategy for areas of overlap, such as convening all boards in which licensees have the ability to prescribe controlled substances. The topics that could be considered by an occupational licensing community of practice are numerous and may include:
  - Evolving experiential and apprenticeship pathways to licensure;
  - Military service member, veteran and military spouse licensure policies;
  - Prescribing guidelines to curb opioid misuse;
  - Continuing competency initiatives;
  - Strategies employed by boards to identify criminal convictions related to practice; and
  - Expedited licensing innovations.

**Sunrise/Sunset Provisions:** Sunrise and/or sunset processes can facilitate transparent review of occupational licensing regulations to ensure they remain consistent with legislative intent and to ensure continued relevance and effectiveness while mitigating against unintended consequences. Sunrise and sunset statutes often list the specific considerations for such an evaluation. If license portability is a primary objective for North Dakota policymakers, regular review of reciprocity, endorsement and other such policies and practices may help to inform how to advance best practices or more perfectly address barriers.

## Outreach Strategies

If North Dakota chooses to pursue a universal licensure initiative, it will be important to engage a broad group of stakeholders, and particularly regulatory board staff and members, to better understand the unique challenges in North Dakota’s application process and practices. To ensure robust feedback, an outreach plan should consider 1) the stakeholders 2) the process and 3) the questions that will deliver the information the state seeks.

<sup>41</sup>Wenger, T. C., & Snyder, W. M. (2020). Communities of Practice: The Organizational Frontier. *Harvard Business Review*, January-February. <https://hbr.org/2000/01/communities-of-practice-the-organizational-frontier>

## **Stakeholders**

Consider the following groups:

- Board/commission staff, especially executive directors and staff that process license applications;
- Board/commission members, especially if any are appointed to positions that specialize in applications such as a licensing panel or subcommittee; and
- “Users” of the regulatory system:
  - Students and school counselors;
  - Major employers such as hospitals and trade unions; and
  - Recently licensed individuals, obtaining names and contact information from ND boards/commissions.

Remember to seek groups that would help the state evaluate policies in a manner that upholds diversity, equity and inclusion. Recall some people may not even seek licensure believing they would not qualify or could never finance such a career path. Community groups and even other government agencies that serve low-income individuals or communities of color may offer networks to reach these individuals. Likewise, the corrections department or local jails may offer occupational training programs that directly feed into a license. These programs can be particularly insightful about perceived delays or bias in the licensing process.

## **Process**

A layered approach can be effective to gather feedback quickly while delving deeper with representative groups. Consider asking boards/commissions if they could share “listservs” of licensees or name and contact information for individuals recently licensed. Discuss strategies to survey these groups on their application experience. Focus groups are helpful to convene multiple people with a shared speciality, such as all regulatory executive directors. Lastly, individual meetings, especially with people that represent a key group such as the local military liaison major employers or a chamber representing small business, can provide perspective without convening large groups or sifting through disparate experiences.

## **Questions for the Future**

Consider messaging ahead of stakeholder engagement. Articulate the purpose of the outreach initiative and the specific topics you wish to address. Carefully select the words you use. For example, some audiences may interpret “universal licensure” to imply the removal of any application process and endorsement of “all” applicants regardless of their ability to safely practice. Phrases such as “license portability” or “geographic mobility” may broaden the conversation to an array of topics that still relate directly to the overall policy objective without exposure to misinformation and disparate interpretations.

Generally, try to narrowly define the problem you are trying to solve and your intent to identify unintended consequences through stakeholder engagement. CLEAR’s publication “Questions a Legislator Should Ask” provides a series of questions and topics to serve as a starting place. As it relates specifically to universal licensure, the following questions may prove useful:

For applicants, licensees and employers:

- What are current barriers to entry you wish you could change? Tell me about the cost, time or complexity of the application process.
- Use open ended questions for follow-up. For example, what specifically about the cost was a barrier? Are you speaking about the cost of obtaining the education required for a license, or specifically about the license application fee?
- How much time did you spend preparing your application for licensure?
- What was the hardest part? What was the easiest part?
- What was most surprising to you about the application process?
- What would be your advice to future applicants?
- Do you know of any insurance and Medicaid requirements that drive your licensure policies for employees and hiring practices?
- Do you assist your employees with the licensure process? What has been your experience? What do you wish the board/commission knew?

For regulators:

- What could be some unintended impacts of a universal licensure law?
- What are some other policy mechanisms that could help us solve delays when transferring a license to North Dakota?
- What is the current process for out of state applicants? What delays could they face in obtaining a license?
- What would make your job easier when considering an out of state applicant?
- What ideas do you have to make it easier for someone from out of state to get a license, assuming they are competent and safe to practice?
- Do you know of any Medicaid or other insurance requirements that impact your licensing policies or the ability of an applicant to start working?

## **Next Steps and Conclusion**

This project has highlighted the importance of ensuring secure foundations are in place throughout the regulatory system. This begins with the regulatory boards themselves, and the need for clear messaging and understanding about the role of the board member and the purpose of regulatory activities. Education for board members is particularly beneficial in ensuring regulatory activities are underpinned by the need to protect and build confidence in the process, rather than to protect the profession that is being regulated. Several non-profit organizations (including CLEAR) provide training for regulatory board members that makes this very point, while also seeking to resource the work of regulatory boards and staff more broadly.

Recent regulatory reform efforts have also highlighted the importance of ensuring mechanisms exist for regulatory boards, their members and staff, to share information about best practices, and to acknowledge particular challenges and develop state-wide risk mitigation strategies. There is significant potential for activity to become ‘siloes’ at the board or profession-specific level, despite the fact that many of the issues boards encounter are similar in nature and can be addressed by similar approaches and solutions. Opportunities for boards to engage, whether at planned in-state meetings, or at broader regulatory conferences or events, are important in ensuring a cohesive approach is taken across the state. This will be particularly important as further initiatives focused on professional mobility and the recognition of credentials that have been awarded by other entities come to the fore.

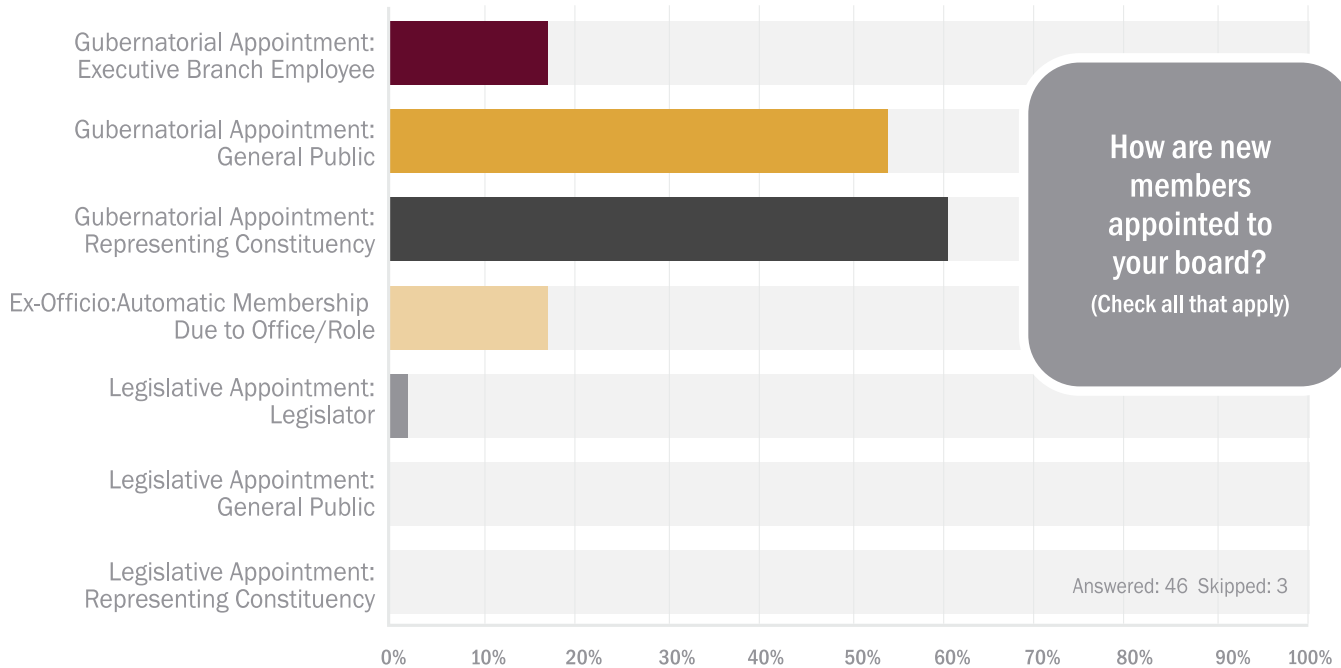
One of the issues raised by survey responses are the ways in which, and whether, the use of different license types will affect future professional mobility and portability of licensure initiatives. A future study exploring the way North Dakota might address best practices related to the recognition of multiple-license types in use in other jurisdictions (and particularly in those states that provide most incoming members of the licensed professions and occupations) would be beneficial. Such a study could also explore alternative pathways to licensure, particularly where multiple license types mean there are potential ‘gaps’ between licenses issued in other jurisdictions versus those issued in North Dakota, and remediation approaches that could be employed, as a step to provide full recognition to a license issued elsewhere.

CLEAR looks forward to future partnership opportunities with North Dakota, as the State embarks on the next phase of its regulatory reform and renewal journey.



# APPENDIX:

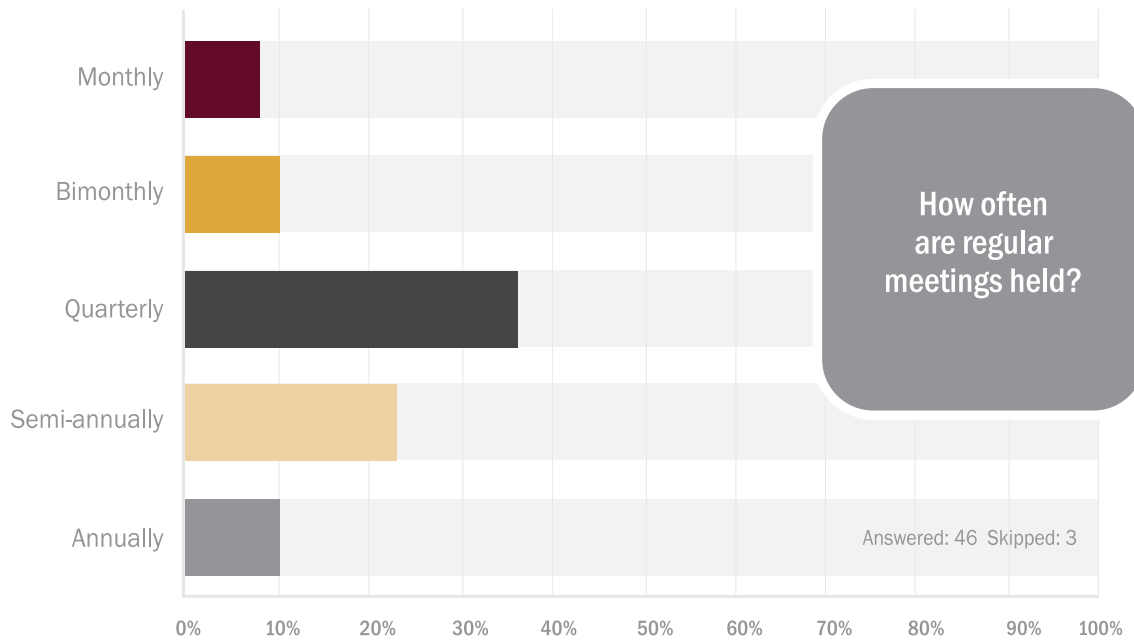
## Q5:



### SURVEY QUESTION 5 RESULT:

Gubernatorial Appointment: Executive Branch Employee	17.39%
Gubernatorial Appointment: General Public	54.35%
Gubernatorial Appointment: Representing Constituency	60.87%
Ex-Officio:Automatic Membership Due to Office/Role	17.39%
Legislative Appointment: Legislator	2.17%
Legislative Appointment: General Public	0%
Legislative Appointment: Representing Constituency	0%

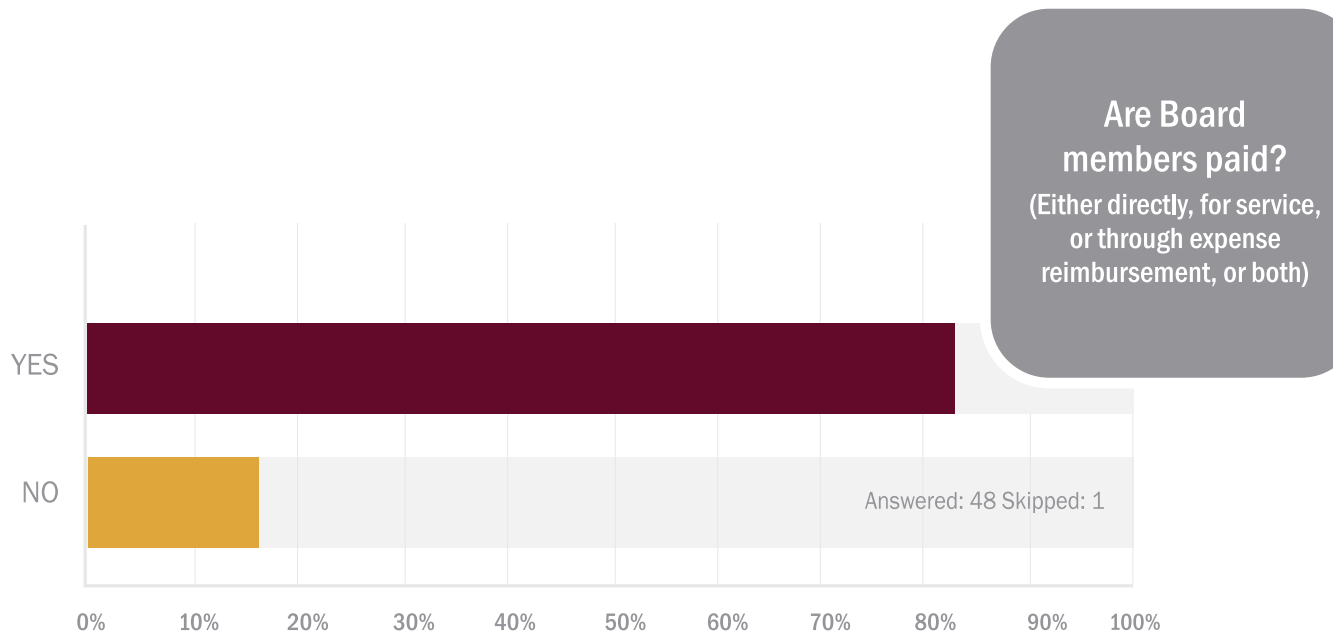
## Q9:



### SURVEY QUESTION RESULTS:

Monthly	8.70%
Bimonthly	10.87%
Quarterly	36.96%
Semi-annually	23.91%
Annually	10.87%

## Q11:

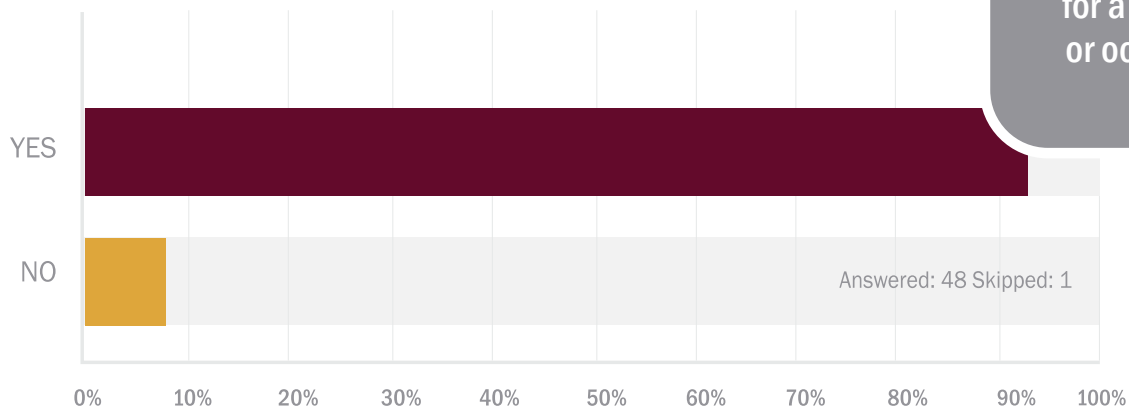


### SURVEY QUESTION RESULT:

Yes 83.33%  
No 16.67%

## Q14:

Does your Board or Commission provide licensure for a profession or occupation?

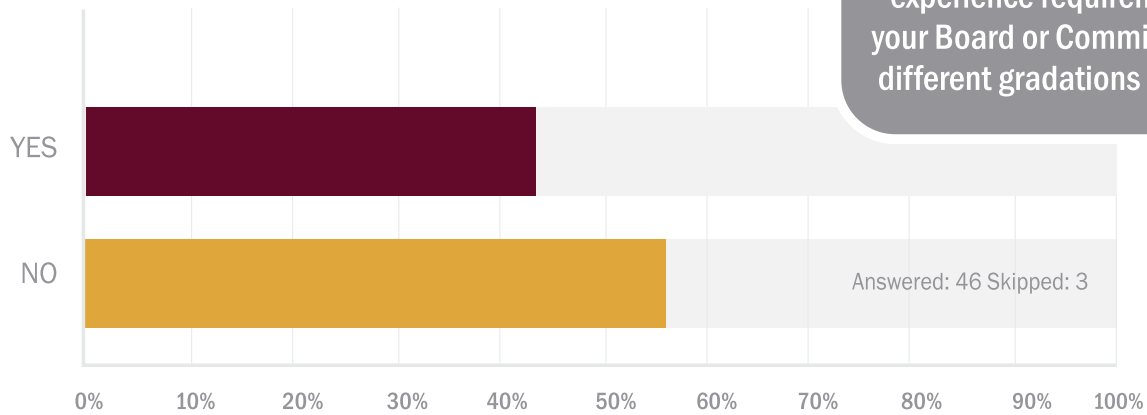


### SURVEY QUESTION RESULT:

Yes 93.88%  
No 6.12%

## Q15:

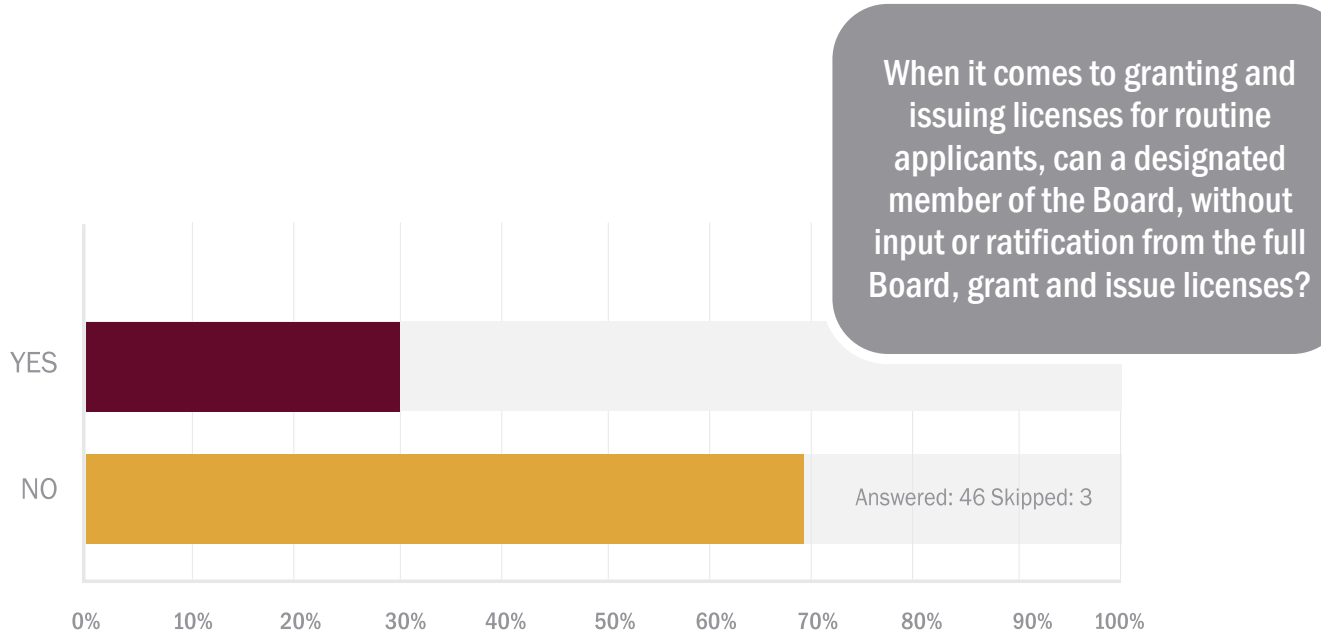
Some licensing boards provide gradations of licensure, for example issuing multiple levels of license with differing education or experience requirements. Does your Board or Commission provide different gradations of licensure?



### SURVEY QUESTION RESULT:

Yes 43.48%  
No 56.52%

## Q19:

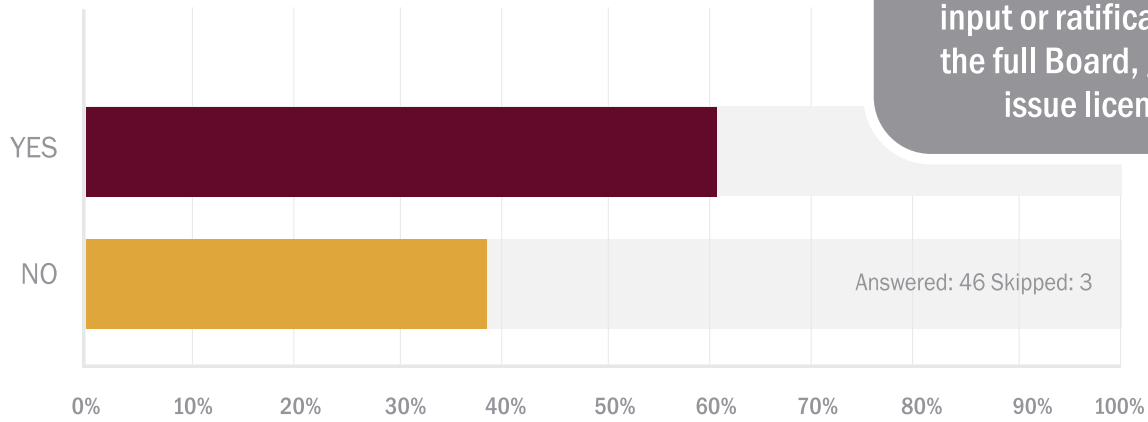


### SURVEY QUESTION RESULT:

Yes 30.43%  
No 69.57%

## Q20:

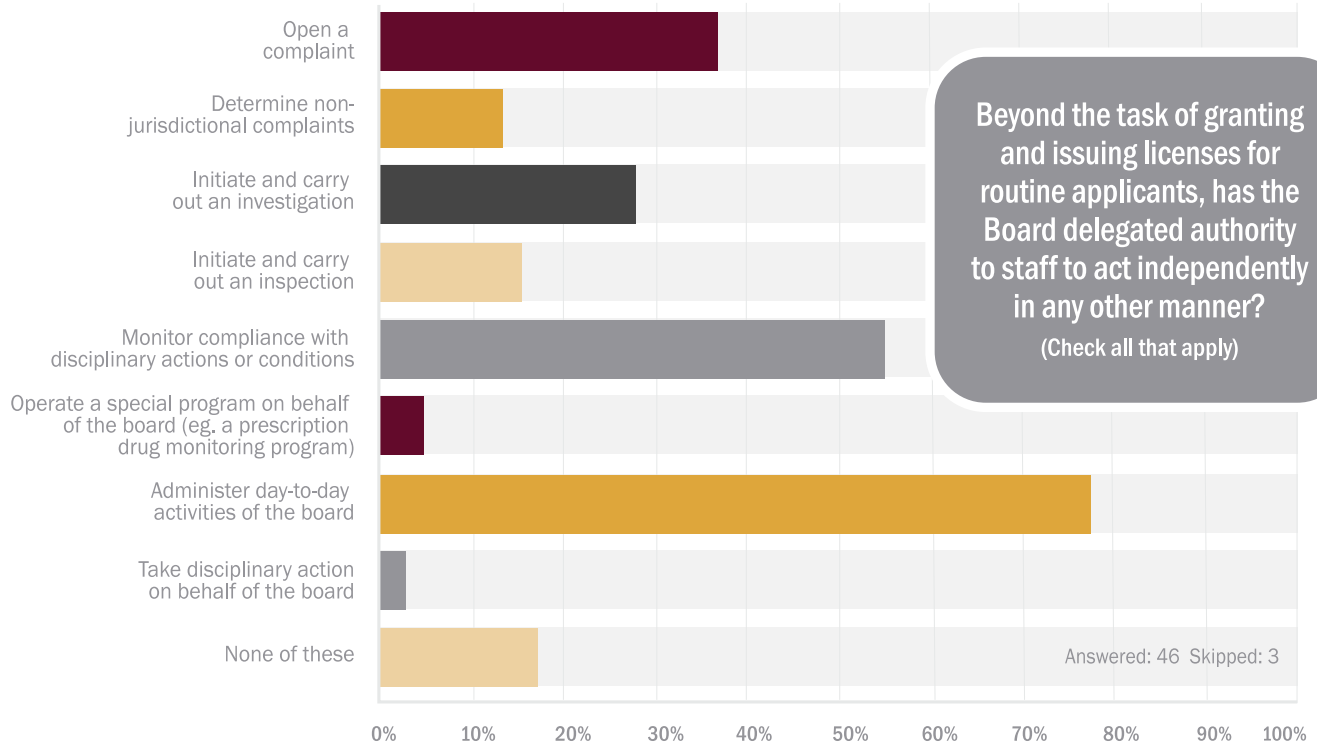
When it comes to granting and issuing licenses for routine applicants, can a staff member, without input or ratification from the full Board, grant and issue licenses?



### SURVEY QUESTION RESULT:

Yes 60.87%  
No 39.13%

## Q21:



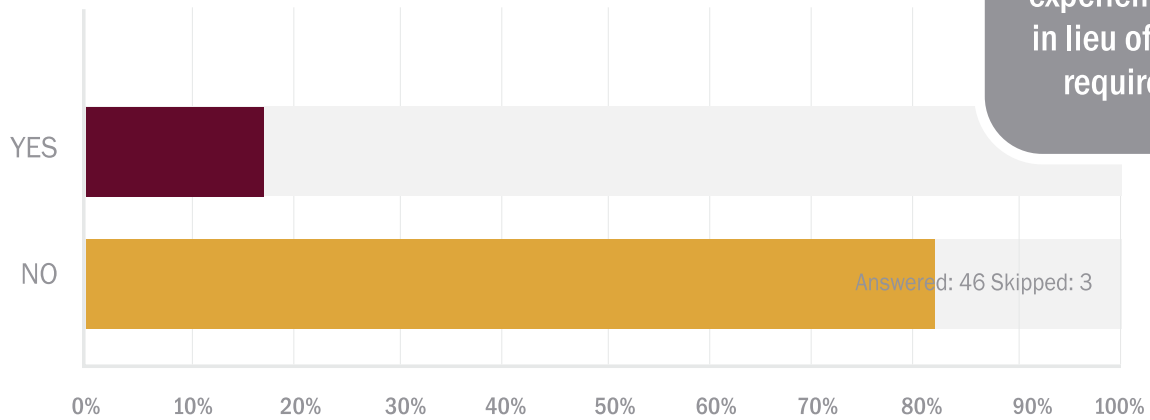
### SURVEY QUESTION 21 RESULTS:

Open a complaint	36.96%
Determine non-jurisdictional complaints	13.04%
Initiate and carry out an investigation	28.26%
Initiate and carry out an inspection	15.22%
Monitor compliance with disciplinary actions or conditions	54.35%
Operate a special program on behalf of the board (eg. a prescription drug monitoring program)	4.35%
Administer day-to-day activities of the board	78.26%
Take disciplinary action on behalf of the board	2.17%
None of these	17.39%



## Q22:

Does your Board or Commission allow for military experience to count in lieu of education requirements?

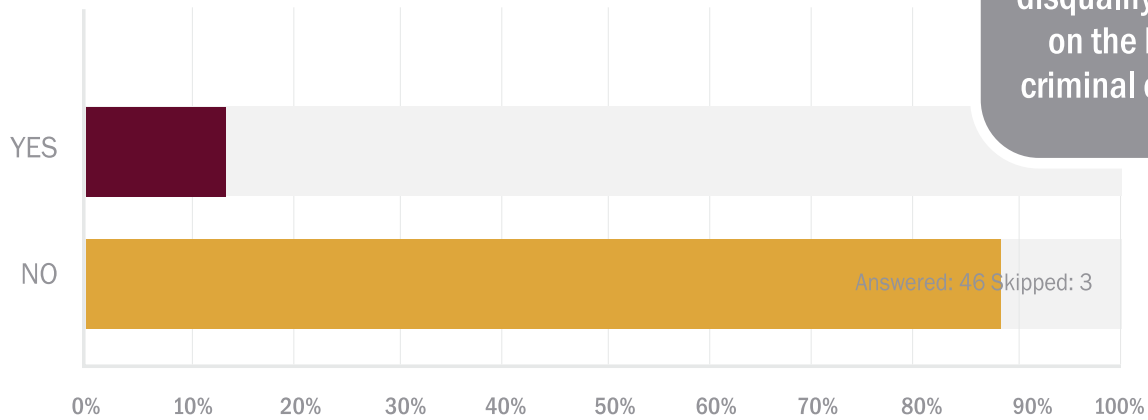


### SURVEY QUESTION RESULT:

Yes 17.39%  
No 82.61%

## Q23:

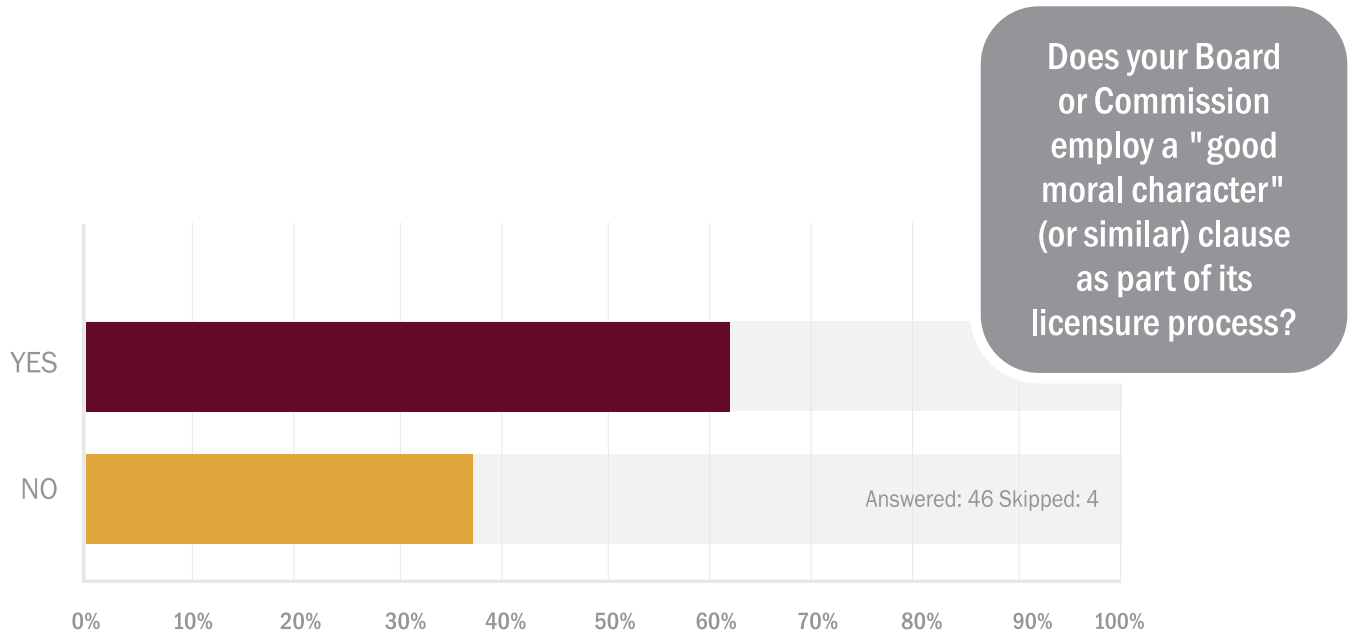
Does your Board or Commission ever automatically disqualify applicants on the basis of a criminal conviction?



### SURVEY QUESTION RESULT:

Yes 13.04%  
No 86.96%

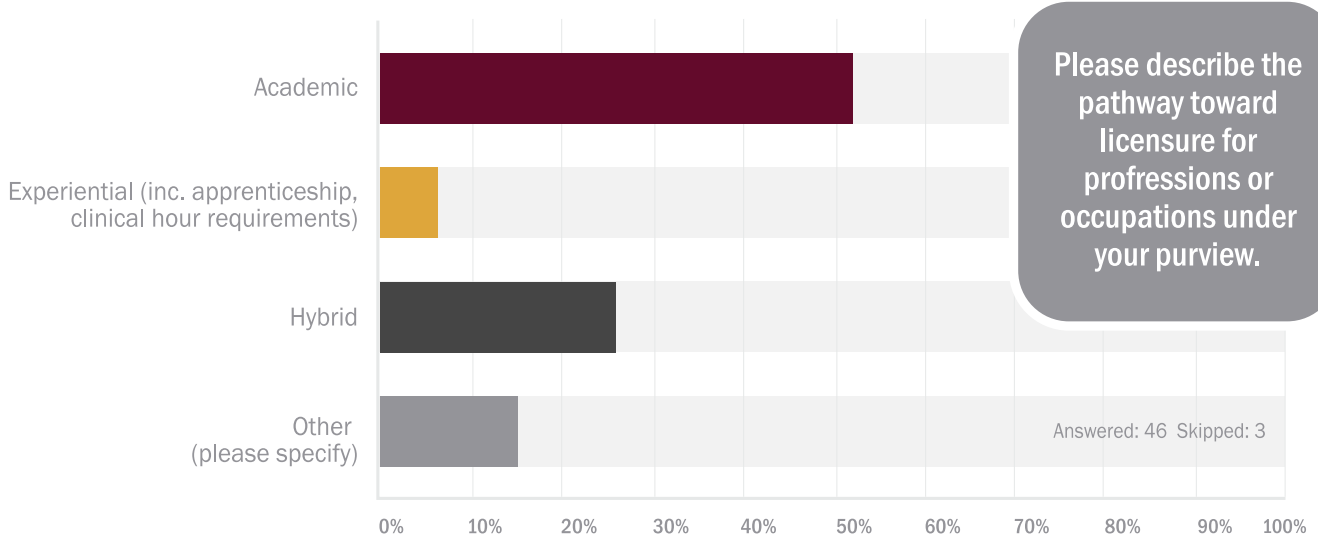
## Q24:



### SURVEY QUESTION RESULT:

Yes 62.22%  
No 37.78%

## Q25:



### SURVEY QUESTION 25 RESULTS:

Academic	52.17%
Experiential (inc. apprenticeship, clinical hour requirements)	6.52%
Hybrid	26.09%
Other (please specify)	15.22%

## Q29:

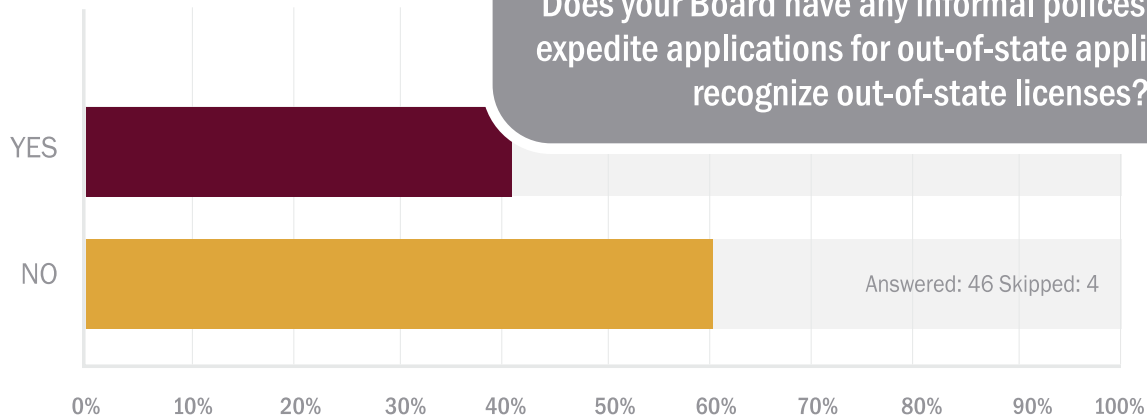
How much does a typical licensee for your occupation/profession spend in the following categories, annually? (If your Board or Commission issues different gradations of licensure, provide costs for the most common level of licensure.)

### **SURVEY QUESTION 25 RESULTS:**

Application Fees	100.00%
Renewal Fees	97.83%
Informal/Other Fees	63.04%
Continuing Ed Fees	67.39%

### Q30:

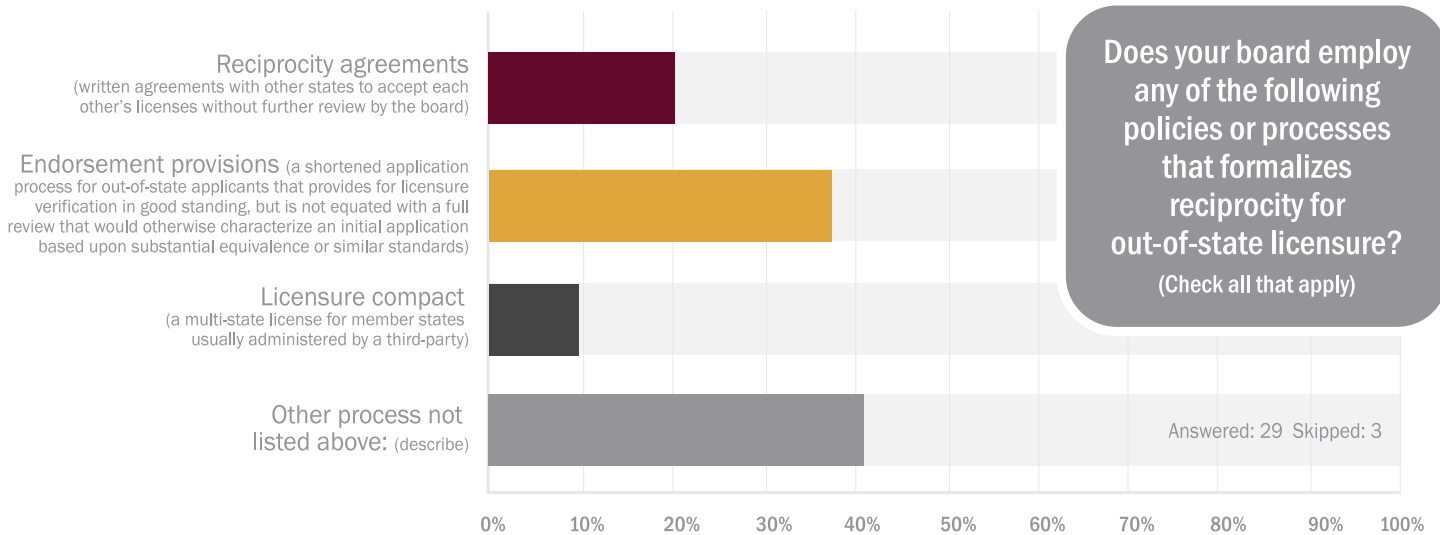
Some occupations/professions allow for an expedited licensing process for those who have a license in good standing issued by another state, if the other state has "substantially similar" licensing requirements. Does your Board have any informal policies in place to expedite applications for out-of-state applicants, or to recognize out-of-state licenses?



#### **SURVEY QUESTION RESULT:**

Yes 41.30%  
No 60.87%

## Q31:



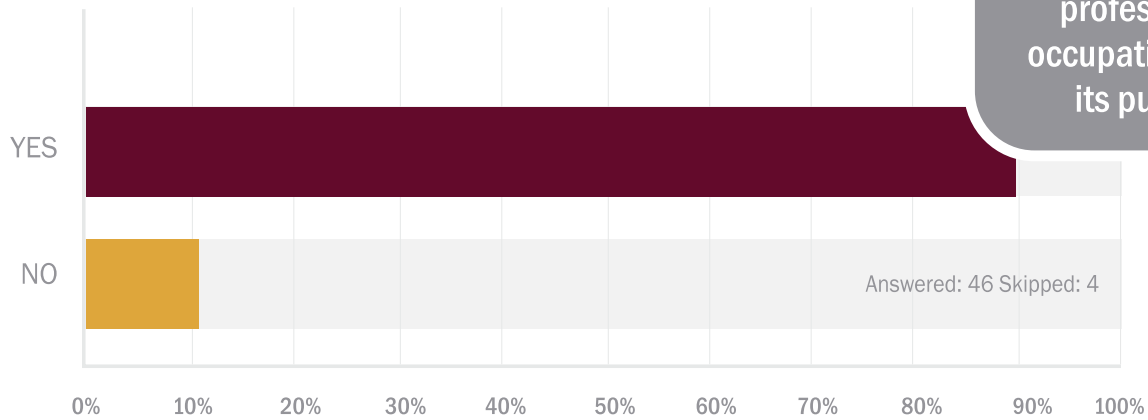
### SURVEY QUESTION 31 RESULTS:

Reciprocity agreements (written agreements with other states to accept each other's licenses without further review by the board)	20.69%
Endorsement provisions (a shortened application process for out-of-state applicants that provides for licensure verification in good standing, but is not equated with a full review that would otherwise characterize an initial application based upon substantial equivalence or similar standards)	37.93%
Licensure compact (a multi-state license for member states usually administered by a third-party)	10.34%
Other process not listed above: (describe)	41.38%

### COMMENTS:

### Q33:

Does your Board or Commission provide a complaint process for professions or occupations under its purview?



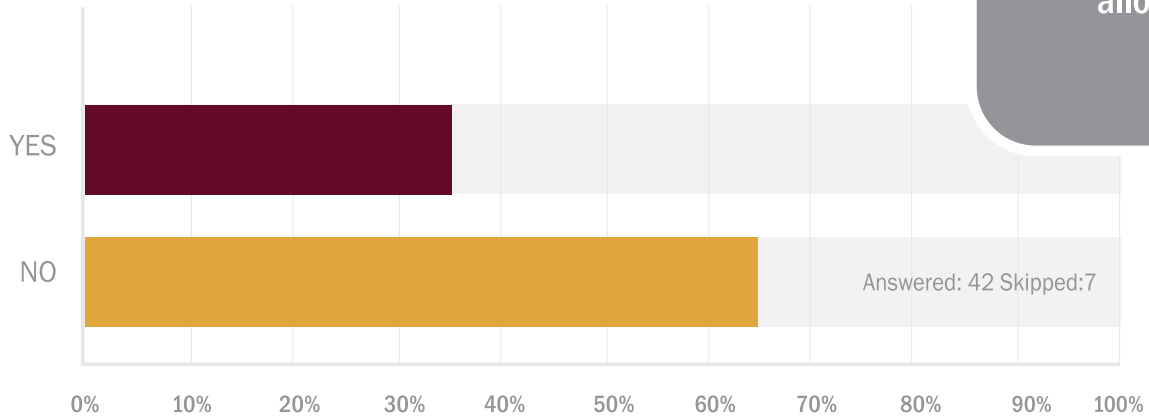
#### SURVEY QUESTION RESULT:

Yes 89.13%  
No 10.87%



### Q35:

Are anonymous complaints allowed?

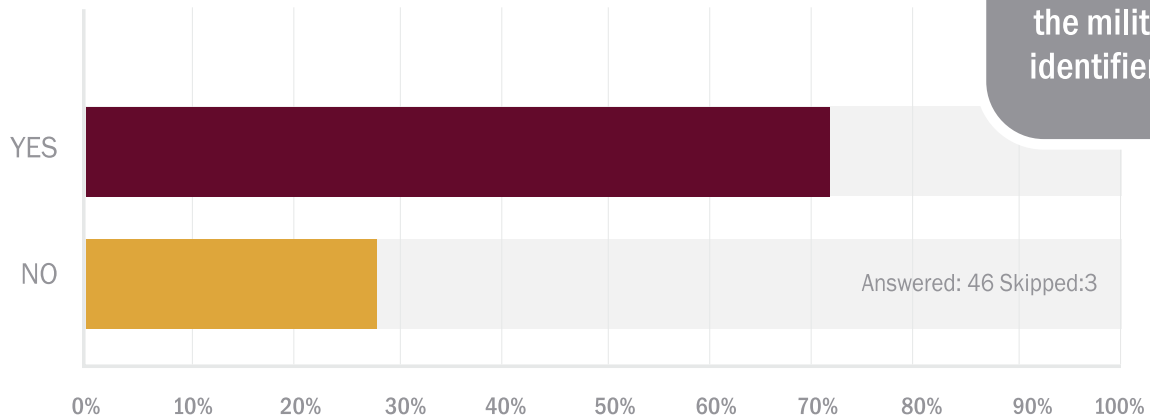


#### **SURVEY QUESTION RESULT:**

Yes 35.71%  
No 64.29%

## Q37:

As required by SB2306, does your license application form now include the military spouse identifier question?



### SURVEY QUESTION RESULT:

Yes 71.74%  
No 28.26%



**108 Wind Haven Drive, Suite A  
Nicholasville, Kentucky 40356  
USA  
(859) 269-1289 (phone)  
(859) 231-1943 (fax)**

## **Comments to .01005 Amended SB 2184**

**PRESENTED BY JAMES SCHMIDT**

**EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Mr. Chairman Wobbema and Members of the Work Force Development Committee:

I'm James Schmidt, executive director for the North Dakota State Electrical Board. Our particular Board already has in its chapter of the code (NDCC Chap. 43-09) the substantive items addressed in the .01005 amended version of SB 2184. The Board deems it unnecessary, as applied to the Electrical Board and wants to remain exempt.

The board:

1. Already regulates in the least restrictive manner appropriate to the electrical industry. Is charged with the practical safeguarding of the residents of North Dakota and of its buildings and building contents from electrical hazards arising from the use or control of electricity for light, heat, power, and control thereof and of the fire detection system.
2. Has developed a mission statement and a code of ethics policy for the board and its employees to abide by.
3. Has a process for reviewing applications for licensure which is done weekly. Annual renewing of licenses is staggered over a 3-month period to avoid an influx of all 9,100 plus licensees and registration renewing at one time. The board has a method of issuing temporary licenses and for military spouses and foreign practitioners who come from a jurisdiction that does not have similar laws and rules to North Dakota.
4. Approves professional education for apprentices in the form of a college degree or related training and has established continuing education requirements for licensed electricians.

5. Consists of five governor-appointed members with five-year staggered terms. The five-year term helps keep the consistency of board actions, the continuity of the board and maintains its institutional knowledge. By century code the board must meet in January of each year and meets regularly bi-monthly thereafter. Minutes are taken for each meeting and posted on our website.
6. NDSEB is a special fund (self-funded) agency that maintains its annual budget and spends its resources on itself and the electrical industry and monitors appropriate reserves and has established wiring certificate and license fee schedules.
7. Last session, the Board asked for and received authority to expend funds on education to encourage young people to enter the electrical trade. This is codified in NDCC § 43-09.15.1.
8. The board has sufficient staff to address its administrative needs.
9. The board currently uses North Dakota Information Technology Department for our phone, computer programming and data needs.
10. Current board members plus staff have and new board members do attend the annual training held by the attorney general's office.
11. Does biannual audits by a private accounting agency and sends the reports to the state auditors office as required. If the state auditor has not charged in the past but if now can start charging, a cap must be placed on the amount they can charge.

Because the issues addressed by SB 2184 are already codified in its own chapter of the code, the Board believes this bill, as applied to the electrical board, is unnecessary and asks to remain exempt as the board presently is. This amendment, while it would not significantly change how the board operates, results in duplication and possible conflict with the board-specific chapter (NDCC 43-09).

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

23.0588.01005  
Title.

Prepared by the Legislative Council staff for  
Senator Lee

February 15, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 1, replace "chapter" with "section"

Page 1, line 1, replace "title 43" with "chapter 43-51"

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "subsection 2 of section 54-10-01 and"

Page 1, line 4, remove "; to provide a penalty; to provide for a legislative"

Page 1, line 5, remove "management study; and to provide an effective date"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, replace lines 1 through 12 with:

"**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.

- b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
- 5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.
- 6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.
- 7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
- 8. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.
- 9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.
- 10. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board, shall disclose the fact and may not participate in or vote on that particular matter without the consent of a majority of the board.
- 11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member."

Page 5, after line 15 insert "1."

Page 5, line 16, remove the overstrike over "~~The governing board of any~~"

Page 5, line 17, remove "1. Biennially, the state auditor shall conduct annual audits of"

Page 5, remove the overstrike over lines 18 through 22

Page 5, line 23, remove the overstrike over "~~auditor agrees to conduct the audit, the~~"

Page 5, line 23, remove "boards. The"

Page 5, line 25, after the period insert "The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the audit report."

Page 5, line 27, overstrike "hundred thousand" and insert immediately thereafter "million"

Page 5, line 30, overstrike "When a report is not filed,"

Page 5, line 31, overstrike the first "the" and insert immediately thereafter "The"

Page 6, line 3, overstrike "eighty-six" and insert immediately thereafter "ninety"

Page 6, remove lines 8 through 18

Renumber accordingly



23.0588.01005

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2184**

Introduced by

Senators Lee, Burckhard, K. Roers

Representatives Mitskog, Weisz

1 A BILL for an Act to create and enact a new ~~chapter~~section to ~~title 43~~chapter 43-51 of the North  
2 Dakota Century Code, relating to uniform regulation of occupations and professions; and to  
3 amend and reenact ~~subsection 2 of section 54-10-01 and~~ section 54-10-27 of the North Dakota  
4 Century Code, relating to the duties of the state auditor; ~~to provide a penalty; to provide for a~~  
5 ~~legislative management study; and to provide an effective date.~~

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

7 ~~SECTION 1. A new chapter to title 43 of the North Dakota Century Code is created and~~  
8 ~~enacted as follows:~~

9 ~~Definitions:~~

10 ~~As used in this chapter:~~

11 ~~1. "Board" means a board, commission, or other agency of state government created or~~  
12 ~~identified in this title to regulate an occupation or profession.~~

13 ~~2. "Foreign license" means a license, certificate, permit, or similar authorization to~~  
14 ~~practice an occupation or profession which is issued by a government agency in~~  
15 ~~another state or jurisdiction that imposes requirements for obtaining and maintaining a~~  
16 ~~license to practice the same occupation or profession.~~

17 ~~3. "Foreign practitioner" means an individual who holds and maintains a foreign license~~  
18 ~~in good standing to engage in an occupation or profession in a state or jurisdiction~~  
19 ~~other than this state and who is not the subject of a pending disciplinary action in any~~  
20 ~~state or jurisdiction.~~

21 ~~4. "Good standing" means a foreign practitioner holds a foreign license that is not issued~~  
22 ~~on a temporary or restricted basis, is not encumbered or on probation, and is not~~  
23 ~~suspended or revoked.~~

1 ~~5. "Occupation or profession" means activity for which a license is required from a board~~  
2 ~~or similar activity for which a foreign license is required in another state or jurisdiction.~~

3 ~~**Boards - Duties - Powers.**~~

4 ~~Notwithstanding law to the contrary:~~

5 ~~1. A board shall:~~

6 ~~a. Adopt rules to implement this chapter.~~

7 ~~b. Establish a fee schedule designed to fund the activities of the board.~~

8 ~~2. A board may:~~

9 ~~a. Establish continuing education requirements, which may include board approval~~  
10 ~~requirements.~~

11 ~~b. Provide education for licensees or individuals who may be interested in pursuing~~  
12 ~~the regulated occupation or profession.~~

13 ~~**Board membership - Appointment - Terms.**~~

14 ~~Notwithstanding law to the contrary:~~

15 ~~1. The governor shall appoint the members of a board:~~

16 ~~a. The regular term of a board member is three years and begins on August first~~  
17 ~~following the appointment. An individual may not serve more than two~~  
18 ~~consecutive full terms as a member on a board, after which an individual may not~~  
19 ~~be reappointed until the expiration of three years.~~

20 ~~b. A board member serves at the pleasure of the governor. Upon the expiration of a~~  
21 ~~term, a board member shall continue to serve until the governor makes an~~  
22 ~~appointment to fill that position.~~

23 ~~c. In addition to any practitioner requirements, a board member must be at least~~  
24 ~~eighteen years old and must be a resident of this state.~~

25 ~~d. Each board must have at least five and no more than thirteen voting members, at~~  
26 ~~least two of whom shall serve as lay members.~~

27 ~~2. Each member of a board, except for a state employee serving as an ex officio~~  
28 ~~member, is entitled to receive from the board compensation of one hundred~~  
29 ~~seventy-seven dollars per day spent in actual attendance at board meetings and~~  
30 ~~reimbursement for mileage and travel expenses at the same rate as provided for state~~  
31 ~~employees and officials.~~

1 ~~3. Each member of a board shall maintain the qualifications for appointment for the~~  
2 ~~duration of the appointment.~~

3 ~~**Regulation – Terms of licensure – Renewal.**~~

4 ~~Notwithstanding law to the contrary:~~

5 ~~1. Other than an initial license, which may be valid for a shorter period, a license issued~~  
6 ~~by the board is valid for one year from the date of issuance.~~

7 ~~2. Annually, a licensee may renew a license upon submitting:~~

8 ~~a. Fees for licensure renewal in an amount established by the board.~~

9 ~~b. Proof of completion of continuing education as required by the board.~~

10 ~~3. A licensee who does not renew a license timely may not practice in this state until the~~  
11 ~~license is renewed or reissued. Within three months following the date of licensure~~  
12 ~~renewal, a practitioner may renew a license without incurring additional renewal~~  
13 ~~expenses. After three months following the date of licensure renewal, a board may~~  
14 ~~charge a late fee for licensure renewal. If a practitioner fails to renew a license before~~  
15 ~~the end of the year of licensure, the board may require the practitioner to reapply for~~  
16 ~~future licensure.~~

17 ~~**Licensure of foreign practitioners – Compacts.**~~

18 ~~1. Notwithstanding law to the contrary, a board shall issue a license to an applicant who~~  
19 ~~is a foreign practitioner, unless the board determines the issuance of the license would~~  
20 ~~jeopardize the health and safety of the residents of this state. If the board determines~~  
21 ~~licensure under this section would jeopardize the health and safety of the residents of~~  
22 ~~this state, the board may deny the application or may issue a provisional license, issue~~  
23 ~~a restricted license, or otherwise authorize limited practice to protect the health and~~  
24 ~~safety of the residents of this state.~~

25 ~~2. Notwithstanding contrary law under this chapter, a board may issue a license to an~~  
26 ~~applicant through an adopted compact.~~

27 ~~**Discipline – Penalty.**~~

28 ~~Notwithstanding law to the contrary:~~

29 ~~1. A board shall conduct a disciplinary proceeding in accordance with chapter 28-32.~~

30 ~~2. A board may deny, limit, revoke, encumber, or suspend a license; may reprimand,~~  
31 ~~place on probation, or otherwise discipline a licensee; may deny admission to~~

~~licensure or examination; require evidence of evaluation or treatment; or issue a  
nondisciplinary letter of concern to a licensee if the person:~~

~~a. Has been arrested for, charged with, convicted by a court of, or has entered a  
plea of nolo contendere to a crime in any jurisdiction which relates adversely to  
the practice of the occupation or profession and has not demonstrated sufficient  
rehabilitation.~~

~~b. Has been the subject of a disciplinary action in a foreign jurisdiction relating to  
the practice of the occupation or profession.~~

~~c. Has violated this chapter or rules adopted under this chapter.~~

~~d. Has engaged in a practice inconsistent with the person's occupational or  
professional standards.~~

~~3. It is a class B misdemeanor for a person to willfully practice an occupation or  
profession in violation of this chapter or to willfully employ a person to practice an  
occupation or profession in violation of this chapter.~~

~~**SECTION 2. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota Century  
Code is amended and reenacted as follows:\_\_\_\_\_~~

~~2. The state auditor may:~~

~~a. Conduct any work required by the federal government.~~

~~b. Within the resources available to the state auditor, perform or provide for  
performance audits of state agencies, including occupational and professional  
boards, as determined necessary by the state auditor.~~

~~c. Audit the International Peace Garden at the request of the board of directors of  
the International Peace Garden.~~

~~d. Contract with a private certified public accountant or other qualified professional  
to conduct or assist with an audit, review, or other work the state auditor is  
authorized to perform or provide for under this section or section 54-10-27.~~

~~Before entering any contract, the state auditor shall present information to the  
legislative audit and fiscal review committee on the need for the contract and its  
estimated cost and duration. Except for performance audits conducted under  
subdivision d of subsection 1 or subdivision b of this subsection and except for  
audits of occupational or professional boards, the state auditor shall execute the~~

1 ~~contract and any executive branch agency, including higher education-~~  
2 ~~institutions, shall pay the fees of the contractor. For performance audits-~~  
3 ~~conducted under subdivision d of subsection 1 or subdivision b of this subsection,~~  
4 ~~the state auditor may charge a state agency or board for the cost of a contract~~  
5 ~~relating to an audit, subject to approval by the legislative assembly or the~~  
6 ~~legislative audit and fiscal review committee if the legislative assembly is not in~~  
7 ~~session. When considering a request, the legislative audit and fiscal review~~  
8 ~~committee shall consider the effect of the audit cost on the agency or board being~~  
9 ~~audited, the necessity of the contract, and the potential benefit to the state~~  
10 ~~resulting from the contract. The state auditor shall notify the affected agency or~~  
11 ~~board of the potential cost before requesting approval from the legislative~~  
12 ~~assembly or the legislative audit and fiscal review committee.~~

13 **SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created  
14 and enacted as follows:

15 **Uniform administration of boards.**

16 1. As used in this section, the term "board" includes the state board of accountancy, state  
17 electrical board, North Dakota real estate appraiser qualifications and ethics board,  
18 state real estate commission, secretary of state with respect to contractor licensing,  
19 North Dakota board of medicine, and state board of dental examiners.

20 2. A board shall regulate the board's occupation or profession in the least restrictive  
21 manner appropriate to protect public health and safety. At the first regularly scheduled  
22 meeting of each calendar year, a board shall discuss this requirement and related  
23 plans to remove unnecessary restrictions and regulatory burdens. The board shall  
24 include the plan in the board's minutes.

25 3. A board shall develop a mission statement consistent with the board's obligation of  
26 protecting public health and safety. The board shall recite the mission statement at the  
27 beginning of each regularly scheduled board meeting.

28 4. A board shall follow processes to allow for efficient and accurate processing of  
29 licensing applications, including timely communication to an applicant to address  
30 issues or deficiencies.

1           a. A board may adopt rules to provide for issuance of a provisional or temporary  
2           license between board meetings for a routine application as determined by the  
3           board.

4           b. If a board does not defer routine application approval to staff or selected board  
5           members, the board shall convene at least monthly to ensure timely issuance of  
6           licenses. A board may adopt rules defining what is considered a routine  
7           application that may be approved by staff or selected board members.

8           5. A board may assist in providing education for a licensee or an individual interested in  
9           pursuing the regulated occupation or profession.

10          6. The governor shall appoint the members of a board as provided by law and may  
11          remove a member for cause, misconduct, incapacity, or neglect of duty. After  
12          expiration of a board member's term, the board member may continue to serve until  
13          the governor makes an appointment to fill the position.

14          7. A board shall set and maintain an annual budget and financial statements accounting  
15          for fees collected. The board shall maintain an appropriate reserve as determined by  
16          the board.

17          8. A board may contract with an entity, another board, or an individual to obtain  
18          administrative and support services to assist in the operation of the board.

19          9. A board may contract with the information technology department and may obtain and  
20          purchase services through the information technology department, including electronic  
21          mail systems, website services, and cybersecurity services.

22          10. Unless otherwise specifically provided by law, a board member who has a direct and  
23          substantial personal or pecuniary interest in a matter before the board, shall disclose  
24          the fact and may not participate in or vote on that particular matter without the consent  
25          of a majority of the board.

26          11. Annually, the attorney general shall conduct online or in-person training for new board  
27          members. The training must include information regarding open meetings and open  
28          records, lobbying, and conflicts of interests. During the first year of a board member's  
29          initial term, the board member shall attend the training and after the first year, the  
30          board member may attend the training. A board may offer additional orientation  
31          training to a new board member.

1       **SECTION 2. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **54-10-27. Occupational and professional boards - Audits and reports.**

4       1. The governing board of any

5       ~~1. Biennially, the state auditor shall conduct annual audits of~~ occupational or professional  
6 board shall provide for an audit once every two years by a certified public accountant  
7 or licensed public accountant. The accountant conducting the audit shall submit the  
8 audit report to the state auditor's office. If the report is in the form and style prescribed  
9 by the state auditor, the state auditor may not audit that board. An occupational or  
10 professional board may request the state auditor to conduct its audit, and if the state  
11 auditor agrees to conduct the audit, ~~the boards. The~~ state auditor shall deposit the fees  
12 charged to the occupational or professional board into the state auditor operating  
13 account. The state auditor may charge an occupational or professional board a fee not  
14 to exceed ninety dollars an hour for the costs of reviewing the audit report.

15       2. Instead of providing for an audit every two years, an occupational or professional  
16 board that has less than two ~~hundred thousand~~ million dollars of annual receipts may  
17 submit an annual report to the state auditor. The report must contain the information  
18 required by the state auditor. The state auditor also may make any additional  
19 examination or audit determined necessary in addition to the annual report. ~~When a~~  
20 ~~report is not filed, the~~ The state auditor may charge the occupational or professional  
21 board an amount equal to the fair value of the additional examination or audit and any  
22 other services rendered. The state auditor may charge an occupational or professional  
23 board a fee not to exceed ~~eighty-six~~ ninety dollars an hour for the costs of reviewing  
24 the annual report.

25       3. If an audit report or annual report shows the amount of the unobligated and  
26 undesignated balance of a board's operating fund exceeds two hundred fifty thousand  
27 dollars, the report must include a statement from the board regarding the board's  
28 plans for handling this excess amount.

29       ~~**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - OCCUPATIONAL AND**~~  
30 ~~**PROFESSIONAL REGULATION.** During the 2023-24 interim, the legislative management shall~~  
31 ~~consider studying the state's system for regulating occupations and professions, including~~

1 ~~consideration of the powers, duties, and membership of occupational and professional boards;~~  
2 ~~licensure requirements; and disciplinary actions. The study must include consultation with~~  
3 ~~occupational and professional boards. The study may include consideration of apprenticeships,~~  
4 ~~internships, and board collaboration with primary and secondary education. The legislative~~  
5 ~~management shall report its findings and recommendations, together with any legislation~~  
6 ~~required to implement the recommendations, to the sixty-ninth legislative assembly.~~

7 ~~— **SECTION 4. EFFECTIVE DATE.** Sections 1, 2, and 3 of this Act become effective~~  
8 ~~January 1, 2026.~~



**SB 2184**

A BILL for an Act to provide for a legislative management study regarding occupational and professional regulation by the state.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY – OCCUPATIONAL AND PROFESSIONAL REGULATION.** During the 2023-24 interim, the legislative management shall consider studying the state’s system for regulating occupations and professions, including consideration of the powers, duties, and membership of occupational and professional boards; licensure requirements; disciplinary actions; and audit processes. The study must include consultation with occupational and professional boards. The study may include consideration of apprenticeships, internships, and board collaboration with primary and secondary education. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.



---

## NORTH DAKOTA BOARD OF NURSING

919 S 7th Street, Suite 504, Bismarck, ND 58504-5881

Telephone: (701) 751-3000 Fax: (701) 751-2221

Web Site Address: [www.ndbon.org](http://www.ndbon.org)

---

### House Industry, Business & Labor Committee ND Board of Nursing SB 2184

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 2184's introduction, the North Dakota Senate Workforce Committee has amended the bill into a study, providing legislative management with the option to consider a study examining North Dakota's current occupational and professional boards.

Prior to amendments, SB 2184 would have had a negative impact on North Dakota's nursing workforce by replacing North Dakota's two-year renewal schedule with an annual schedule.

NDBON is neutral on SB 2184, in its current form as passed by the Senate, which considers a study in consultation with regulatory boards to examine apprenticeships, internships, licensure requirements and disciplinary actions.

A similar bill, SB 2249, would also study boards in conjunction with North Dakota's Labor Commissioner. 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  
[spfenning@ndbon.org](mailto:spfenning@ndbon.org)



**2023 Senate Bill 2184**  
**House Industry Business and Labor Committee**  
**Representative Scott Louser, Chairman**  
**March 14, 2023**

Chairman Louser and members of the House Industry, Business and Labor Committee, my name is Tim Blasl. I am the President of the North Dakota Hospital Association (NDHA) which represents hospitals and health systems across the state. I testify in support of Senate Bill 2184 and ask that you give it a **Do Pass** recommendation.

Hospitals support the bill because it could help with our number one challenge: workforce. We support a study that could lead to streamlining the licensing of foreign health care practitioners.

The scarcity of health care professionals in all disciplines - not only physicians, advanced practice providers and nurses but also medical imaging techs, physical therapists, psychologists, and many others - challenges our hospitals in both rural and urban areas. To the extent that we can make it easier and quicker for health care professionals to become licensed to work in North Dakota, without compromising public safety, it helps hospitals provide the care that patients need close to home.

I do not have the magical answer to solve the health care professional workforce shortage, but simplifying and speeding up the licensing of foreign health care professions is definitely part of the solution.

Please give the bill a **Do Pass** recommendation. Thank you for the opportunity to testify. I would be happy to response to answer any questions you may have.

Respectfully Submitted,

Tim Blasl, President  
North Dakota Hospital Association

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

TESTIMONY OF  
NORTH DAKOTA BOARD OF MEDICINE  
SENATE BILL NO. 2184

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 with neutral testimony for Senate Bill 2184 in its current form.

The Board appreciates the opportunity to continue participating in studies to share the work it does to implement an expedited licensure process while also having sufficient parameters in place to verify only qualified and competent individuals are providing health care services to the citizens of North Dakota.

The Department of Commerce's Workforce Development has undertaken the duty to study licensing boards since 2019 at which time they engaged the services of a national organization – CLEAR – to conduct a thorough examination and survey. CLEAR's report was highly positive – finding that thanks to the autonomous nature of North Dakota's licensing boards in which each board had individual laws specifically applicable to their needs, 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."

As a "one size fits all" model is not in the best interests for regulatory boards in North Dakota, the responsibility is therefore left on each board to continually review its laws and rules to remove inefficiencies and verify implementation of national standards

and best practices. The Board of Medicine takes this responsibility seriously and has focused this past biennium in overhauling its policies and procedures, administrative rules, and century code – to satisfy this obligation. The Board of Medicine looks forward to continuing such work and share information in a study.

**NEUTRAL TESTIMONY TO SB 2184 AMENDED**

**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. The original bill had provisions which conflicted with provisions in the Board's own chapter of the code, chapter 43-09. Although this was already studied back in 2019 referencing SB 2306, I am here for neutral testimony on behalf of the board on SB 2184–23.0588.02000 amended version approved by the Senate.

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



State of North Dakota  
Doug Burgum, Governor

OFFICE OF THE EXECUTIVE DIRECTOR  
1838 E Interstate Ave Suite D  
Bismarck ND 58503  
Telephone (701) 877- 2404  
Fax (701) 877-2405  
**STATE BOARD OF PHARMACY**  
E-mail= [Mhardy@ndboard.pharmacy](mailto:Mhardy@ndboard.pharmacy)  
[www.ndboard.pharmacy](http://www.ndboard.pharmacy)

Mark J. Hardy, PharmD  
Executive Director

**SB2184 – Uniform Regulation of Occupational 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.

SB 2184 was amended in the Senate Workforce Development Committee to be a study conducted by legislative management. The Board of Pharmacy has no concerns with a study to examine the issues that are addressed in the current version of this legislation.

However, I do think it is important to point out that the legislature recently directed the Department of Commerce to study many of the same issues that are requested in this proposed study. This was done just a few years ago, and the Department did a wonderful job of examining the various Boards and providing their findings on the operations of Boards in the state. We believe the results of that study showed that the Boards of North Dakota overall are doing a great job in many areas which SB2184 looks to examine. I believe you, the Legislature, have done a great job in setting up a framework of Occupational Boards that provides for nimble, responsive, and efficient operations that provide for this strong environment for the workforce and the public in our state. While there are always improvements and efficiencies that can be looked at and created, Boards mostly do a good job with the functions tasked by the legislature to conduct.

Again, the Board of Pharmacy has no issues with the current version of this legislation. However, we do hope the Committee will look at the history of recent studies on occupational Boards, as well as the next piece of legislation, Senate Bill 2249, to consider a single approach to examine Boards, if the legislature sees fit in the interim to cut down on the administrative burden with two similar studies by different entities in the state.

SB 2184 presentation to Industry, Business, and Labor Committee

March 14, 2023

SB 2184 has been through more than one iteration, and what I am bring to you today is a hoghouse amendment.

I have been part of the Department of Commerce task force on occupational licensing, led by Katie Ralston Howe, for a couple of years. A great deal of information has been assembled concerning length of time for licenses to be issued, frequency of board meetings, whether or not the full board must meet to consider an application or is an individual, such as the executive director, empowered to sign off on an uneventful, completed application.

The Senate Workforce committee had 2 bills to consider, but I had worked with some board executive officers to prepare 2184, and we worked on it to address some concerns that had arisen in committee.

Unfortunately, there was a glitch with the significant amendment which was drafted, with one small, but important amendment left out of it. The amendment with the necessary addition was not available to the committee before they had to get it out of committee, so they turned it into a study.

I am here today to present the proper hoghouse amendment to you for your consideration.

Section 1 covers the uniform administration of boards.

#1 includes the named boards in this bill which are excluded in the current chapter 43-51.

#2 states that the board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens and shall include the plan in the minutes.

#3 calls for a mission statement to be developed

#4 The board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.

- a. Calls for adopting rules concerning provisional or temporary license for a routine application to be approved between board meetings.
- b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of license. The board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.

#5 A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.

6. The Governor shall appoint members of a board and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.



7. A board shall set and maintain an annual budget and financial statements, accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.

8. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.

9. A board may contract with the IT department and may obtain and purchase services through the IT department, including electronic mail systems, website services, and cybersecurity services.

10. This deals with conflicts of interests and states that board member who has a direct and substantial personal or pecuniary interest in a matter before the board shall disclose the fact and may not participate in or vote on that particular matter without the consent of a majority of the board.

11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member.

As you can tell, this bill is intended to be general and applicable to all boards. For example, there are some boards for which the governor can appoint the members, but not remove them, if they don't show up for meetings. This assures that boards can do their own planning to streamline procedures and choose on-line programs for license applications and renewals and continuing education information.

Compacts and other types of collaborations, such as reciprocity or mutual agreements can be addressed by individual boards.

I encourage the IBL committee to consider this amendment to put in place standardized guidelines for occupational boards as part of our effort to simplify licensing procedures and encourage new workers to join our ND workforce.

March 6, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2184

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to uniform regulation of occupations and professions; and to amend and reenact section 54-10-27 of the North Dakota Century Code, relating to the duties of the state auditor.

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

**SECTION 1.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Uniform administration of boards.**

1. As used in this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.
2. A board shall regulate the board's occupation or profession in the least restrictive manner appropriate to protect public health and safety. At the first regularly scheduled meeting of each calendar year, a board shall discuss this requirement and related plans to remove unnecessary restrictions and regulatory burdens. The board shall include the plan in the board's minutes.
3. A board shall develop a mission statement consistent with the board's obligation of protecting public health and safety. The board shall recite the mission statement at the beginning of each regularly scheduled board meeting.
4. A board shall follow processes to allow for efficient and accurate processing of licensing applications, including timely communication to an applicant to address issues or deficiencies.
  - a. A board may adopt rules to provide for issuance of a provisional or temporary license between board meetings for a routine application as determined by the board.
  - b. If a board does not defer routine application approval to staff or selected board members, the board shall convene at least monthly to ensure timely issuance of licenses. A board may adopt rules defining what is considered a routine application that may be approved by staff or selected board members.
5. A board may assist in providing education for a licensee or an individual interested in pursuing the regulated occupation or profession.

6. The governor shall appoint the members of a board as provided by law and may remove a member for cause, misconduct, incapacity, or neglect of duty. After expiration of a board member's term, the board member may continue to serve until the governor makes an appointment to fill the position.
7. A board shall set and maintain an annual budget and financial statements accounting for fees collected. The board shall maintain an appropriate reserve as determined by the board.
8. A board may contract for administrative and support services to assist in the operation of the board.
9. A board may contract with the information technology department and may obtain and purchase services through the information technology department, including electronic mail systems, website services, and cybersecurity services.
10. Unless otherwise specifically provided by law, a board member who has a direct and substantial personal or pecuniary interest in a matter before the board shall disclose the fact and may not participate in or vote on that matter without the consent of a majority of the board.
11. Annually, the attorney general shall conduct online or in-person training for new board members. The training must include information regarding open meetings and open records, lobbying, and conflicts of interests. During the first year of a board member's initial term, the board member shall attend the training and after the first year, the board member may attend the training. A board may offer additional orientation training to a new board member.

**SECTION 2. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-27. Occupational and professional boards - Audits and reports.**

1. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the audit report.
2. Instead of providing for an audit every two years, an occupational or professional board that has less than two ~~hundred thousand~~ million dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined

necessary in addition to the annual report. ~~When a report is not filed,~~  
~~the~~The state auditor may charge the occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed ~~eighty-six~~ninety dollars an hour for the costs of reviewing the annual report.

3. If an audit report or annual report shows the amount of the unobligated and undesignated balance of a board's operating fund exceeds two hundred fifty thousand dollars, the report must include a statement from the board regarding the board's plans for handling this excess amount."

Renumber accordingly



Drew H. Wrigley  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
**OFFICE OF ATTORNEY GENERAL**  
www.attorneygeneral.nd.gov  
(701) 328-2210

**HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE**  
**MARCH 20, 2023**

TESTIMONY OF ALLYSON M. HICKS  
OFFICE OF ATTORNEY GENERAL  
SENATE BILL NO. 2184

Chairman Louser, members of the Committee. I am Allyson M. Hicks, Assistant Attorney General in the General Counsel Division, and I appear on behalf of the Attorney General's Office to offer neutral testimony and an amendment should the committee adopt Senator Lee's proposed amendment 23.0588.02001.

The General Counsel Division of the Office of Attorney General represents most occupational licensure boards for the State. Utilizing the attorneys' cumulative knowledge of the issues facing the boards, each year since 2018 we have put on a full day, in person or online training for board members to promote consistency in how matters are addressed. The topics vary from year to year based upon the issues that we, as their legal counsel, have seen affect multiple boards. We are happy to continue providing guidance to the boards; however, the proposed language in amendment .01002 restricts our ability to be flexible and tailor that training to the needs of the boards.

The training takes months of planning and research to put on. It takes 4-6 assistant attorneys general out of the office for an entire day. There may be some years, such as 2020, where an in-person training is physically not possible. This is why we have proposed modifying "shall" to "may." Additionally, we offer general assistance

to all of our clients through offerings on our website, which is why we propose that the word “training” be modified to “information or training,” as some items can be addressed with manuals, guides, or fact sheets. We have also proposed eliminating the specification of topics because we have determined that the topics need to vary year to year to address emerging issues, and we need that flexibility to meet the needs and requests of our clients.

I would request that the committee consider our proposed amendment, however, my office remains neutral on the remainder of the bill.

Thank you for your time, and I would stand for any questions.

PROPOSED AMENDMENTS TO THE MARKED-UP VERSION OF  
AMENDMENT 23.0588.01002 TO SENATE BILL NO. 2184

Page 8, lines 7 through 12, replace with:

“12. Annually, the attorney general may provide information or training for board members on relevant board related topics in the form of manuals, information, guides, presentations, or in-person or recorded trainings.”

Renumber accordingly.