

As Further Amended by House Committee

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Session of 2023

HOUSE BILL No. 2388

By Committee on Commerce, Labor and Economic Development

2-9

1 AN ACT concerning occupational regulation; relating to occupational
2 licenses; requiring that licensing bodies provide verified electronic
3 credentials, in addition to paper-based credentials, to all credential
4 holders, including military servicemembers and others receiving
5 Kansas credentials based on their credentials from other jurisdictions;
6 requiring licensing bodies to use centralized electronic credential data
7 management systems capable of providing instantaneous credential
8 verification; mandating that such systems maintain an auditable record;
9 **excepting certification of law enforcement officers from such**
10 **electronic credential requirements and other provisions;** amending
11 K.S.A. 2022 Supp. 48-3406 and repealing the existing section.
12

13 WHEREAS, The legislature recognizes that many working Americans,
14 particularly military families, rely on a professional license for
15 employment and that transferability of licensing between states has
16 become expensive and time consuming; and

17 WHEREAS, Transferable occupational licensing, eased requirements
18 on license reciprocity for military families and expediting key elements of
19 the licensing process represents a creative approach to ensure that our state
20 can accommodate as many professionals as possible; and

21 WHEREAS, Every professional in Kansas should have continuous
22 access, accurate tracking and easy organization of electronic credentials;
23 and

24 WHEREAS, Kansans and licensing bodies should be able to instantly
25 verify the authenticity of a professional's credential to prevent fraud and
26 keep Kansans safe.

27 Now, therefore:

28 *Be it enacted by the Legislature of the State of Kansas:*

29 Section 1. K.S.A. 2022 Supp. 48-3406 is hereby amended to read as
30 follows: 48-3406. (a) For the purposes of this section:

31 (1) "Applicant" means an individual who is a military spouse,
32 military servicemember or an individual who has established or intends to
33 establish residency in this state. ~~"Applicant" with respect to law~~
34 ~~enforcement certification by the Kansas commission on peace officers'~~

1 standards and training means an applicant who has met the employment
2 requirement pursuant to K.S.A. 74-5605(a), and amendments thereto.

3 (2) "Complete application" means the licensing body has received all
4 forms, fees, documentation, a signed affidavit stating that the application
5 information, including necessary prior employment history, is true and
6 accurate and any other information required or requested by the licensing
7 body for the purpose of evaluating the application, consistent with this
8 section and the rules and regulations adopted by the licensing body
9 pursuant to this section. If the licensing body has received all such forms,
10 fees, documentation and any other information required or requested by
11 the licensing body, an application shall be deemed to be a complete
12 application even if the licensing body has not yet received a criminal
13 background report from the Kansas bureau of investigation.

14 (3) *"Electronic credential" or "electronic certification, license or*
15 *registration" means an electronic method by which a person may display*
16 *or transmit to another person information that verifies the status of a*
17 *person's certification, licensure, registration or permit; as authorized by*
18 *a licensing body and is equivalent to a paper-based certification,*
19 *license, registration or permit.*

20 (4) "Licensing body" means an official, agency, board or other entity
21 of the state ~~which~~ that authorizes individuals to practice a profession in
22 this state and issues a license, registration, certificate, permit or other
23 authorization to an individual so authorized.

24 ~~(4)~~(5) "Military servicemember" means a current member of any
25 branch of the United States armed services, United States military reserves
26 or national guard of any state or a former member with an honorable
27 discharge.

28 ~~(5)~~(6) "Military spouse" means the spouse of a military
29 servicemember.

30 ~~(6)~~(7) **"Person" means a natural person.**

31 (8) "Private certification" means a voluntary program in which a
32 private organization grants nontransferable recognition to an individual
33 who meets personal qualifications and standards relevant to performing the
34 occupation as determined by the private organization.

35 ~~(7)~~~~(8)~~(9) "Scope of practice" means the procedures, actions,
36 processes and work that a person may perform under a government issued
37 license, registration or certification.

38 ~~(9)~~(10) *"Verification system" means an electronic method by which*
39 *the authenticity and validity of electronic credentials are verified.*

40 (b) Notwithstanding any other provision of law, any licensing body
41 shall, upon submission of a complete application, issue a *paper-based and*
42 *verified electronic* license, registration or certification to an applicant as
43 provided by this section, so that the applicant may lawfully practice the

1 person's occupation. **Any licensing body may satisfy any requirement**
2 **under this section to provide a paper-based license, registration,**
3 **certification or permit in addition to an electronic license, registration,**
4 **certification or permit by issuing such electronic credential to the**
5 **applicant in a format that permits the applicant to print a paper copy**
6 **of such electronic credential. Such paper copy shall be considered a**
7 **valid license, registration, certification or permit for all purposes.**

8 (c) An applicant who holds a valid current license, registration or
9 certification in another state, district or territory of the United States shall
10 receive a *paper-based and verified electronic* license, registration or
11 certification:

12 (1) If the applicant qualifies under the applicable Kansas licensure,
13 registration or certification by endorsement, reinstatement or reciprocity
14 statutes, then pursuant to applicable licensure, registration or certification
15 by endorsement, reinstatement or reciprocity statutes of the licensing body
16 of this state for the license, registration or certification within 15 days from
17 the date a complete application was submitted if the applicant is a military
18 servicemember or military spouse or within 45 days from the date a
19 complete application was submitted for all other applicants; or

20 (2) if the applicant does not qualify under the applicable licensure,
21 registration or certification by endorsement, reinstatement or reciprocity
22 statutes of the licensing body of this state, or if the Kansas professional
23 practice act does not have licensure, registration or certification by
24 endorsement, reinstatement or reciprocity statutes, then the applicant shall
25 receive a license, registration or certification as provided herein if, at the
26 time of application, the applicant:

27 (A) Holds a valid current license, registration or certification in
28 another state, district or territory of the United States with licensure,
29 registration or certification requirements that the licensing body
30 determines authorize a similar scope of practice as those established by the
31 licensing body of this state, or holds a certification issued by another state
32 for practicing the occupation but this state requires an occupational
33 license, and the licensing body of this state determines that the
34 certification requirements certify a similar scope of practice as the
35 licensing requirements established by the licensing body of this state;

36 (B) has worked for at least one year in the occupation for which the
37 license, certification or registration is sought;

38 (C) has not committed an act in any jurisdiction that would have
39 constituted grounds for the limitation, suspension or revocation of the
40 license, certificate or registration, or that the applicant has never been
41 censured or had other disciplinary action taken or had an application for
42 licensure, registration or certification denied or refused to practice an
43 occupation for which the applicant seeks licensure, registration or

1 certification;

2 (D) has not been disciplined by a licensing, registering, certifying or
3 other credentialing entity in another jurisdiction and is not the subject of
4 an unresolved complaint, review procedure or disciplinary proceeding
5 conducted by a licensing, registering, certifying or other credentialing
6 entity in another jurisdiction nor has surrendered their membership on any
7 professional staff in any professional association or society or faculty for
8 another state or jurisdiction while under investigation or to avoid adverse
9 action for acts or conduct similar to acts or conduct that would constitute
10 grounds for disciplinary action in a Kansas practice act;

11 (E) does not have a disqualifying criminal record as determined by
12 the licensing body of this state under Kansas law;

13 (F) provides proof of solvency, financial standing, bonding or
14 insurance if required by the licensing body of this state, but only to the
15 same extent as required of any applicant with similar credentials or
16 experience;

17 (G) pays any fees required by the licensing body of this state; and

18 (H) submits with the application a signed affidavit stating that the
19 application information, including necessary prior employment history, is
20 true and accurate.

21 Upon receiving a complete application and the provisions of subsection
22 (c)(2) apply and have been met by the applicant, the licensing body shall
23 issue the license, registration or certification within 15 days from the date
24 a complete application was submitted by a military servicemember or
25 military spouse, or within 45 days from the date a complete application
26 was submitted by an applicant who is not a military servicemember or
27 military spouse, to the applicant on a probationary basis, but may revoke
28 the license, registration or certification at any time if the information
29 provided in the application is found to be false. The probationary period
30 shall not exceed six months. Upon completion of the probationary period,
31 the license, certification or registration shall become a non-probationary
32 license, certification or registration.

33 (d) Any applicant who has not been in the active practice of the
34 occupation during the two years preceding the application for which the
35 applicant seeks a license, registration or certification under subsection (c)
36 (2) may be required to complete such additional testing, training,
37 monitoring or continuing education as the Kansas licensing body may
38 deem necessary to establish the applicant's present ability to practice in a
39 manner that protects the health and safety of the public, as provided by
40 subsection (j).

41 (e) Upon submission of a complete application, an applicant may
42 receive an occupational license, registration or certification based on the
43 applicant's work experience in another state, if the applicant:

1 (1) Worked in a state that does not use an occupational license,
2 registration, certification or private certification to regulate an occupation,
3 but this state uses an occupational license, registration or certification to
4 regulate the occupation;

5 (2) worked for at least three years in the occupation during the four
6 years immediately preceding the application; and

7 (3) satisfies the requirements of subsection (c)(2)(C) through (H).

8 (f) Upon submission of a complete application, an applicant may
9 receive an occupational license, registration or certification under
10 subsection (b) based on the applicant's holding of a private certification
11 and work experience in another state, if the applicant:

12 (1) Holds a private certification and worked in a state that does not
13 use an occupational license or government certification to regulate an
14 occupation, but this state uses an occupational license or government
15 certification to regulate the occupation;

16 (2) worked for at least two years in the occupation;

17 (3) holds a current and valid private certification in the occupation;

18 (4) is held in good standing by the organization that issued the private
19 certification; and

20 (5) satisfies the requirements of subsection (c)(2)(C) through (H).

21 (g) An applicant licensed, registered or certified under this section
22 shall be entitled to the same rights and subject to the same obligations as
23 are provided by the licensing body for Kansas residents, except that
24 revocation or suspension of an applicant's license, registration or
25 certificate in the applicant's state of residence or any jurisdiction in which
26 the applicant held a license, registration or certificate shall automatically
27 cause the same revocation or suspension of such applicant's license,
28 registration or certificate in Kansas. No hearing shall be granted to an
29 applicant where such applicant's license, registration or certificate is
30 subject to such automatic revocation or suspension, except for the purpose
31 of establishing the fact of revocation or suspension of the applicant's
32 license, registration or certificate by the applicant's state of residence or
33 jurisdiction in which the applicant held a license, registration or certificate.

34 (h) In the event the licensing body determines that the license,
35 registration or certificate currently held by an applicant under subsection
36 (c)(2) or the work experience or private credential held by an applicant
37 under subsections (e) or (f), who is a military spouse or military
38 servicemember does not authorize a similar scope of practice as the
39 license, registration or certification issued by the licensing body of this
40 state, the licensing body shall issue a temporary permit for a limited period
41 of time to allow the applicant to lawfully practice the applicant's
42 occupation while completing any specific requirements that are required in
43 this state for licensure, registration or certification that were not required

1 in the state, district or territory of the United States in which the applicant
2 was licensed, registered, certified or otherwise credentialed, unless the
3 licensing body finds, based on specific grounds, that issuing a temporary
4 permit would jeopardize the health and safety of the public.

5 (i) In the event the licensing body determines that the license,
6 registration or certification currently held by an applicant under subsection
7 (c)(2) or the work experience or private credential held by an applicant
8 under subsections (e) or (f), who is not a military spouse or military
9 servicemember, does not authorize a similar scope of practice as the
10 license, registration or certification issued by the licensing body of this
11 state, the licensing body may issue a temporary permit for a limited period
12 of time to allow the applicant to lawfully practice the applicant's
13 occupation while completing any specific requirements that are required in
14 this state for licensure, registration or certification that was not required in
15 the state, district or territory of the United States in which the applicant
16 was licensed, registered, certified or otherwise credentialed, unless the
17 licensing body finds, based on specific grounds, that issuing a temporary
18 permit would jeopardize the health and safety of the public.

19 (j) Any testing, continuing education or training requirements
20 administered under subsection (d), (h) or (i) shall be limited to Kansas law
21 that regulates the occupation and that are materially different from or
22 additional to the law of another state, or shall be limited to any materially
23 different or additional body of knowledge or skill required for the
24 occupational license, registration or certification in Kansas.

25 (k) A licensing body may grant licensure, registration, certification or
26 a temporary permit to any person who meets the requirements under this
27 section but was separated from such military service under less than
28 honorable conditions or with a general discharge under honorable
29 conditions.

30 (l) Nothing in this section shall be construed to apply in conflict with
31 or in a manner inconsistent with federal law or a multistate compact, or a
32 rule or regulation or a reciprocal or other applicable statutory provision
33 that would allow an applicant to receive a license. Nothing in this section
34 shall be construed as prohibiting a licensing body from denying any
35 application for licensure, registration or certification, or declining to grant
36 a temporary or probationary license, if the licensing body determines that
37 granting the application may jeopardize the health and safety of the public.

38 (m) Nothing in this section shall be construed to be in conflict with
39 any applicable Kansas statute defining the scope of practice of an
40 occupation. The scope of practice as provided by Kansas law shall apply to
41 applicants under this section.

42 (n) Notwithstanding any other provision of law, during a state of
43 emergency declared by the legislature, a licensing body may grant a

1 temporary emergency license to practice any profession licensed, certified,
2 registered or regulated by the licensing body to an applicant whose
3 qualifications the licensing body determines to be sufficient to protect
4 health and safety of the public and may prohibit any unlicensed person
5 from practicing any profession licensed, certified, registered or regulated
6 by the licensing body.

7 (o) **Not later than January 1, 2025**, licensing bodies ~~may shall~~
8 provide *paper-based and verified* electronic credentials to persons
9 regulated by the licensing body. ~~For purposes of this subsection,~~
10 ~~"electronic credential" means an electronic method by which a person may~~
11 ~~display or transmit to another person information that verifies a person's~~
12 ~~certification, licensure, registration or permit. A licensing body may~~
13 ~~prescribe the format or requirements of the electronic credential to be used~~
14 ~~by the licensing body. Any statutory or regulatory requirement to display,~~
15 ~~post or produce a credential issued by a licensing body may be satisfied by~~
16 ~~the proffer of an electronic credential authorized by the licensing body.~~
17 ~~Licensing bodies shall utilize a central electronic record system to issue,~~
18 ~~revoke, suspend and maintain oversight of electronic credentials.~~ A
19 licensing body may use a third-party electronic credential system that is
20 not maintained by the licensing body.

21 (p) **On or before January 1, 2025**, and subject to appropriations
22 **therefore, the secretary of administration shall develop and implement**
23 **a central electronic record system for the purpose of maintaining a**
24 **central record of electronic credentials issued, renewed, revoked or**
25 **suspended by licensing bodies or that have expired or otherwise**
26 **changed in status. The secretary of administration may utilize the**
27 **services or facilities of a third party for the central electronic record**
28 **system. The central electronic record system shall comply with the**
29 **requirements adopted by the information technology executive council**
30 **pursuant to K.S.A. 75-7203, and amendments thereto. Beginning**
31 **January 1, 2025, each licensing body shall provide a report to the**
32 **central electronic record system in the manner and format required**
33 **by the secretary of administration indicating any issuance, renewal,**
34 **revocation, suspension, expiration or other change in status of an**
35 **electronic credential that has occurred prior to the report, or if a**
36 **previous report has been provided, that has occurred since such**
37 **previous report. Such report shall be provided each business day and**
38 **include only information necessary to identify the electronic credential**
39 **and to verify the issuance or status change. No charge for the**
40 **establishment or maintenance of the central electronic record system**
41 **shall be imposed on any licensing body or any person with a license,**
42 **registration, certification or permit issued by a licensing body. Such**
43 **central electronic credential record system shall include—a an**

1 *instantaneous* verification system that is operated by the ~~licensing body or~~
2 ~~its secretary or the secretary's third-party~~ agent on behalf of the
3 licensing body for the purpose of *instantly* verifying the authenticity and
4 validity of electronic credentials issued by the licensing body. **Central**
5 ~~electronic-credential~~ **record systems shall maintain an auditable record of**
6 ~~credentials issued by each licensing body.~~

7 **(q) Nothing in this section shall be construed as prohibiting or**
8 **preventing a licensing body from developing, operating, maintaining**
9 **or using a separate electronic credential system of the licensing body**
10 **or of a third-party in addition to making the reports to the central**
11 **electronic record system required by subsection (p) or participating in**
12 **a multistate compact or a reciprocal licensure, registration or**
13 **certification process.**

14 ~~(p)(r)~~ Each licensing body shall adopt rules and regulations necessary
15 to implement and carry out the provisions of this section.

16 ~~(q)(s)~~ This section shall not apply to the practice of law or the
17 regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto,
18 **or to the certification of law enforcement officers pursuant to the**
19 **Kansas law enforcement training act, K.S.A. 74-5601 et seq., and**
20 **amendments thereto.**

21 ~~(r)(t)~~ The state board of healing arts and the state board of technical
22 professions, with respect to an applicant who is seeking a license to
23 practice professional engineering or engage in the practice of engineering,
24 as defined in K.S.A. 74-7003, and amendments thereto, may deny an
25 application for licensure, registration or certification, or decline to grant a
26 temporary or probationary license, if the board determines the applicant's
27 qualifications are not substantially equivalent to those established by the
28 board. Such boards shall not otherwise be exempt from the provisions of
29 this act.

30 ~~(s)(u)~~ This section shall apply to all licensing bodies not excluded
31 under subsection (q), including, but not limited to:

- 32 (1) The abstracters' board of examiners;
- 33 (2) the board of accountancy;
- 34 (3) the board of adult care home administrators;
- 35 (4) the secretary for aging and disability services, with respect to
36 K.S.A. 65-5901 et seq. and ~~K.S.A. 65-6503 et seq.~~, and amendments
37 thereto;
- 38 (5) the Kansas board of barbering;
- 39 (6) the behavioral sciences regulatory board;
- 40 (7) the Kansas state board of cosmetology;
- 41 (8) the Kansas dental board;
- 42 (9) the state board of education;
- 43 (10) the Kansas board of examiners in fitting and dispensing of

- 1 hearing instruments;
- 2 (11) the board of examiners in optometry;
- 3 (12) the state board of healing arts, as provided by subsection (r);
- 4 (13) the secretary of health and environment, with respect to K.S.A.
- 5 82a-1201 et seq., and amendments thereto;
- 6 (14) the commissioner of insurance, with respect to K.S.A. 40-241
- 7 and 40-4901 et seq., and amendments thereto;
- 8 (15) the state board of mortuary arts;
- 9 (16) the board of nursing;
- 10 (17) the state board of pharmacy;
- 11 (18) the Kansas real estate commission;
- 12 (19) the real estate appraisal board;
- 13 (20) the state board of technical professions, as provided by
- 14 subsection (r); and
- 15 (21) the state board of veterinary examiners.
- 16 **(v)** All proceedings pursuant to this section shall be conducted in
- 17 accordance with the provisions of the Kansas administrative procedure act
- 18 and shall be reviewable in accordance with the Kansas judicial review act.
- 19 **(w)** Commencing on July 1, 2021, and each year thereafter, each
- 20 licensing body listed in subsection (s)(1) through (21) shall provide a
- 21 report for the period of July 1 through June 30 to the director of legislative
- 22 research by August 31 of each year, providing information requested by
- 23 the director of legislative research to fulfill the requirements of this
- 24 subsection. The director of legislative research shall develop the report
- 25 format, prepare an analysis of the reports and submit and present the
- 26 analysis to the office of the governor, the committee on commerce, labor
- 27 and economic development of the house of representatives, the committee
- 28 on commerce of the senate, the committee on appropriations of the house
- 29 of representatives and the committee on ways and means of the senate by
- 30 January 15 of the succeeding year. The director's report may provide any
- 31 analysis the director deems useful and shall provide the following items,
- 32 detailed by applicant type, including military servicemember, military
- 33 spouse and non-military individual:
- 34 (1) The number of applications received under the provisions of this
- 35 section;
- 36 (2) the number of applications granted under this section;
- 37 (3) the number of applications denied under this section;
- 38 (4) the average time between receipt of the application and
- 39 completion of the application;
- 40 (5) the average time between receipt of a complete application and
- 41 issuance of a license, certification or registration; and
- 42 (6) identification of applications submitted under this section where
- 43 the issuance of credentials or another determination by the licensing body

1 was not made within the time limitations pursuant to this section and the
2 reasons for the failure to meet such time limitations.

3 All information shall be provided by the licensing body to the director
4 of legislative research in a manner that maintains the confidentiality of all
5 applicants and in aggregate form that does not permit identification of
6 individual applicants.

7 Sec. 2. K.S.A. 2022 Supp. 48-3406 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.