

HOUSE BILL No. 2274

By Committee on Veterans and Military

Requested by Representative Thompson

2-5

1 AN ACT concerning occupational licensing; relating to occupational
2 licensing, certification and registration fees; removing the active
3 requirement from military servicemembers for occupational licensure;
4 amending K.S.A. 2024 Supp. 48-3406 and repealing the existing
5 section.
6

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

8 Section 1. K.S.A. 2024 Supp. 48-3406 is hereby amended to read as
9 follows: 48-3406. (a) For the purposes of this section:

10 (1) "Applicant" means an individual who is:

11 (A) A military spouse or military servicemember who resides or plans
12 to reside in this state due to the assigned military station of the individual
13 or the individual's spouse; or

14 (B) an individual who has established or intends to establish
15 residency in this state.

16 (2) "Complete application" means the licensing body has received all
17 forms, fees, documentation, a signed affidavit stating that the application
18 information, including necessary prior employment history, is true and
19 accurate and any other information required or requested by the licensing
20 body for the purpose of evaluating the application, consistent with this
21 section and the rules and regulations adopted by the licensing body
22 pursuant to this section. If the licensing body has received all such forms,
23 fees, documentation and any other information required or requested by
24 the licensing body, an application shall be deemed to be a complete
25 application even if the licensing body has not yet received a criminal
26 background report from the Kansas bureau of investigation. An application
27 by a military spouse of an ~~active~~ military servicemember shall be
28 considered a "complete application" without the submission of fees,
29 pursuant to the provisions of subsection (u).

30 (3) "Electronic credential" or "electronic certification, license or
31 registration" means an electronic method by which a person may display
32 or transmit to another person information that verifies the status of a
33 person's certification, licensure, registration or permit as authorized by a
34 licensing body and is equivalent to a paper-based certification, license,
35 registration or permit.

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

5 (5) "Military servicemember" means a current member of any branch
6 of the United States armed services, United States military reserves or
7 national guard of any state or a former member with an honorable
8 discharge.

9 (6) "Military spouse" means the spouse of a military servicemember.

10 (7) "Person" means a natural person.

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

15 (9) "Scope of practice" means the procedures, actions, processes and
16 work that a person may perform under a government issued license,
17 registration or certification.

18 (10) "Verification system" means an electronic method by which the
19 authenticity and validity of electronic credentials are verified.

20 (b) Notwithstanding any other provision of law, any licensing body
21 shall, upon submission of a complete application, issue a paper-based and
22 verified electronic license, registration or certification to an applicant as
23 provided by this section, so that the applicant may lawfully practice the
24 person's occupation. Any licensing body may satisfy any requirement
25 under this section to provide a paper-based license, registration,
26 certification or permit in addition to an electronic license, registration,
27 certification or permit by issuing such electronic credential to the applicant
28 in a format that permits the applicant to print a paper copy of such
29 electronic credential. Such paper copy shall be considered a valid license,
30 registration, certification or permit for all purposes.

31 (c) An applicant who holds a valid current license, registration or
32 certification in another state, district or territory of the United States shall
33 receive a paper-based and verified electronic license, registration or
34 certification:

35 (1) If the applicant qualifies under the applicable Kansas licensure,
36 registration or certification by endorsement, reinstatement or reciprocity
37 statutes, then pursuant to applicable licensure, registration or certification
38 by endorsement, reinstatement or reciprocity statutes of the licensing body
39 of this state for the license, registration or certification within 15 days from
40 the date a complete application was submitted if the applicant is a military
41 servicemember or military spouse or within 45 days from the date a
42 complete application was submitted for all other applicants; or

43 (2) if the applicant does not qualify under the applicable licensure,

1 registration or certification by endorsement, reinstatement or reciprocity
2 statutes of the licensing body of this state, or if the Kansas professional
3 practice act does not have licensure, registration or certification by
4 endorsement, reinstatement or reciprocity statutes, then the applicant shall
5 receive a license, registration or certification as provided herein if, at the
6 time of application, the applicant:

7 (A) Holds a valid current license, registration or certification in
8 another state, district or territory of the United States with licensure,
9 registration or certification requirements that the licensing body
10 determines authorize a similar scope of practice as those established by the
11 licensing body of this state, or holds a certification issued by another state
12 for practicing the occupation but this state requires an occupational
13 license, and the licensing body of this state determines that the
14 certification requirements certify a similar scope of practice as the
15 licensing requirements established by the licensing body of this state;

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

18 (C) has not committed an act in any jurisdiction that would have
19 constituted grounds for the limitation, suspension or revocation of the
20 license, certificate or registration, or that the applicant has never been
21 censured or had other disciplinary action taken or had an application for
22 licensure, registration or certification denied or refused to practice an
23 occupation for which the applicant seeks licensure, registration or
24 certification;

25 (D) has not been disciplined by a licensing, registering, certifying or
26 other credentialing entity in another jurisdiction and is not the subject of
27 an unresolved complaint, review procedure or disciplinary proceeding
28 conducted by a licensing, registering, certifying or other credentialing
29 entity in another jurisdiction nor has surrendered their membership on any
30 professional staff in any professional association or society or faculty for
31 another state or jurisdiction while under investigation or to avoid adverse
32 action for acts or conduct similar to acts or conduct that would constitute
33 grounds for disciplinary action in a Kansas practice act;

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

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

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

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

1 Upon receiving a complete application and the provisions of subsection
2 (c)(2) apply and have been met by the applicant, the licensing body shall
3 issue the license, registration or certification within 15 days from the date
4 a complete application was submitted by a military servicemember or
5 military spouse, or within 45 days from the date a complete application
6 was submitted by an applicant who is not a military servicemember or
7 military spouse, to the applicant on a probationary basis, but may revoke
8 the license, registration or certification at any time if the information
9 provided in the application is found to be false. The probationary period
10 shall not exceed six months. Upon completion of the probationary period,
11 the license, certification or registration shall become a non-probationary
12 license, certification or registration.

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

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

24 (1) Worked in a state that does not use an occupational license,
25 registration, certification or private certification to regulate an occupation,
26 but this state uses an occupational license, registration or certification to
27 regulate the occupation;

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

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

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

35 (1) Holds a private certification and worked in a state that does not
36 use an occupational license or government certification to regulate an
37 occupation, but this state uses an occupational license or government
38 certification to regulate the occupation;

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

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

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

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

1 (g) An applicant licensed, registered or certified under this section
2 shall be entitled to the same rights and subject to the same obligations as
3 are provided by the licensing body for Kansas residents, except that
4 revocation or suspension of an applicant's license, registration or
5 certificate in the applicant's state of residence or any jurisdiction in which
6 the applicant held a license, registration or certificate shall automatically
7 cause the same revocation or suspension of such applicant's license,
8 registration or certificate in Kansas. No hearing shall be granted to an
9 applicant where such applicant's license, registration or certificate is
10 subject to such automatic revocation or suspension, except for the purpose
11 of establishing the fact of revocation or suspension of the applicant's
12 license, registration or certificate by the applicant's state of residence or
13 jurisdiction in which the applicant held a license, registration or certificate.

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

28 (i) In the event the licensing body determines that the license,
29 registration or certification currently held by an applicant under subsection
30 (c)(2) or the work experience or private credential held by an applicant
31 under subsections (e) or (f), who is not a military spouse or military
32 servicemember, does not authorize a similar scope of practice as the
33 license, registration or certification issued by the licensing body of this
34 state, the licensing body may issue a temporary permit for a limited period
35 of time to allow the applicant to lawfully practice the applicant's
36 occupation while completing any specific requirements that are required in
37 this state for licensure, registration or certification that was not required in
38 the state, district or territory of the United States in which the applicant
39 was licensed, registered, certified or otherwise credentialed, unless the
40 licensing body finds, based on specific grounds, that issuing a temporary
41 permit would jeopardize the health and safety of the public.

42 (j) Any testing, continuing education or training requirements
43 administered under subsection (d), (h) or (i) shall be limited to Kansas law

1 that regulates the occupation and that are materially different from or
2 additional to the law of another state, or shall be limited to any materially
3 different or additional body of knowledge or skill required for the
4 occupational license, registration or certification in Kansas.

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

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

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

22 (n) Notwithstanding any other provision of law, during a state of
23 emergency declared by the legislature, a licensing body may grant a
24 temporary emergency license to practice any profession licensed, certified,
25 registered or regulated by the licensing body to an applicant whose
26 qualifications the licensing body determines to be sufficient to protect
27 health and safety of the public and may prohibit any unlicensed person
28 from practicing any profession licensed, certified, registered or regulated
29 by the licensing body.

30 (o) Not later than January 1, 2025, licensing bodies shall provide
31 paper-based and verified electronic credentials to persons regulated by the
32 licensing body. A licensing body may prescribe the format or requirements
33 of the electronic credential to be used by the licensing body. Any statutory
34 or regulatory requirement to display, post or produce a credential issued by
35 a licensing body may be satisfied by the proffer of an electronic credential
36 authorized by the licensing body. A licensing body may use a third-party
37 electronic credential system that is not maintained by the licensing body.

38 (p) On or before January 1, 2025, and subject to appropriations
39 therefore, the secretary of administration shall develop and implement a
40 uniform or singular license verification portal for the purpose of verifying
41 or reporting license statuses such as credentials issued, renewed, revoked
42 or suspended by licensing bodies or that have expired or otherwise
43 changed in status. The secretary of administration may utilize the services

1 or facilities of a third party for the central electronic record system. The
2 central electronic record system shall comply with the requirements
3 adopted by the information technology executive council pursuant to
4 K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025,
5 each licensing body shall be able to integrate with the uniform or singular
6 license verification portal in the manner and format required by the
7 secretary of administration indicating any issuance, renewal, revocation,
8 suspension, expiration or other change in status of an electronic credential
9 that has occurred. No charge for the establishment or maintenance of the
10 uniform or singular license verification portal shall be imposed on any
11 licensing body or any person with a license, registration, certification or
12 permit issued by a licensing body. The centralized electronic credential
13 data management systems shall include an instantaneous verification
14 system that is operated by the licensing body's respective secretary, or the
15 secretary's designee, or the secretary's third-party agent on behalf of the
16 licensing body for the purpose of instantly verifying the authenticity and
17 validity of electronic credentials issued by the licensing body. Centralized
18 electronic credential data management systems shall maintain an auditable
19 record of credentials issued by each licensing body.

20 (q) Nothing in this section shall be construed as prohibiting or
21 preventing a licensing body from developing, operating, maintaining or
22 using a separate electronic credential system of the licensing body or of a
23 third party in addition to making the reports to the central electronic record
24 system required by subsection (p) or participating in a multistate compact
25 or a reciprocal licensure, registration or certification process as long as the
26 separate electronic credential system of the licensing body integrates with
27 the uniform or singular license verification portal.

28 (r) Each licensing body shall adopt rules and regulations necessary to
29 implement and carry out the provisions of this section.

30 (s) This section shall not apply to the practice of law or the regulation
31 of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the
32 certification of law enforcement officers pursuant to the Kansas law
33 enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

34 (t) The state board of healing arts and the state board of technical
35 professions, with respect to an applicant who is seeking a license to
36 practice professional engineering or engage in the practice of engineering,
37 as defined in K.S.A. 74-7003, and amendments thereto, may deny an
38 application for licensure, registration or certification, or decline to grant a
39 temporary or probationary license, if the board determines the applicant's
40 qualifications are not substantially equivalent to those established by the
41 board. Such boards shall not otherwise be exempt from the provisions of
42 this act.

43 (u) Notwithstanding any other provision of law to the contrary,

1 applicants who are military spouses of ~~active~~ military service members
2 shall be exempt from all fees assessed by any licensing body to obtain an
3 occupational credential in Kansas and renew such credential including
4 initial or renewal application, licensing, registration, certification,
5 endorsement, reciprocity or permit fees and any criminal background
6 report fees, whether assessed by the licensing body or another agency.
7 Licensing bodies shall adopt rules and regulations to implement the
8 provisions of this subsection.

9 (v) This section shall apply to all licensing bodies not excluded under
10 subsection (s), including, but not limited to:

- 11 (1) The abstracters' board of examiners;
- 12 (2) the board of accountancy;
- 13 (3) the board of adult care home administrators;
- 14 (4) the secretary for aging and disability services, with respect to
15 K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- 16 (5) the Kansas board of barbering;
- 17 (6) the behavioral sciences regulatory board;
- 18 (7) the Kansas state board of cosmetology;
- 19 (8) the Kansas dental board;
- 20 (9) the state board of education;
- 21 (10) the Kansas board of examiners in fitting and dispensing of
22 hearing instruments;
- 23 (11) the board of examiners in optometry;
- 24 (12) the state board of healing arts, as provided by subsection (t);
- 25 (13) the secretary of health and environment, with respect to K.S.A.
26 82a-1201 et seq., and amendments thereto;
- 27 (14) the commissioner of insurance, with respect to K.S.A. 40-241
28 and 40-4901 et seq., and amendments thereto;
- 29 (15) the state board of mortuary arts;
- 30 (16) the board of nursing;
- 31 (17) the state board of pharmacy;
- 32 (18) the Kansas real estate commission;
- 33 (19) the real estate appraisal board;
- 34 (20) the state board of technical professions, as provided by
35 subsection (t); and
- 36 (21) the state board of veterinary examiners.

37 (w) All proceedings pursuant to this section shall be conducted in
38 accordance with the provisions of the Kansas administrative procedure act
39 and shall be reviewable in accordance with the Kansas judicial review act.

40 (x) Commencing on July 1, 2021, and each year thereafter, each
41 licensing body listed in subsection (u)(1) through (21) shall provide a
42 report for the period of July 1 through June 30 to the director of legislative
43 research by August 31 of each year, providing information requested by

1 the director of legislative research to fulfill the requirements of this
2 subsection. The director of legislative research shall develop the report
3 format, prepare an analysis of the reports and submit and present the
4 analysis to the office of the governor, the committee on commerce, labor
5 and economic development of the house of representatives, the committee
6 on commerce of the senate, the committee on appropriations of the house
7 of representatives and the committee on ways and means of the senate by
8 January 15 of the succeeding year. The director's report may provide any
9 analysis the director deems useful and shall provide the following items,
10 detailed by applicant type, including military servicemember, military
11 spouse and non-military individual:

12 (1) The number of applications received under the provisions of this
13 section;

14 (2) the number of applications granted under this section;

15 (3) the number of applications denied under this section;

16 (4) the average time between receipt of the application and
17 completion of the application;

18 (5) the average time between receipt of a complete application and
19 issuance of a license, certification or registration; and

20 (6) identification of applications submitted under this section where
21 the issuance of credentials or another determination by the licensing body
22 was not made within the time limitations pursuant to this section and the
23 reasons for the failure to meet such time limitations.

24 All information shall be provided by the licensing body to the director
25 of legislative research in a manner that maintains the confidentiality of all
26 applicants and in aggregate form that does not permit identification of
27 individual applicants.

28 Sec. 2. K.S.A. 2024 Supp. 48-3406 is hereby repealed.

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