

As Amended by House Committee

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

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

12 (3) *"Electronic credential" means an electronic method by which a*  
13 *person may display or transmit to another person information that verifies*  
14 *a person's certification, licensure, registration or permit;*

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

19 ~~(4)~~(5) "Military servicemember" means a current member of any  
20 branch of the United States armed services, United States military reserves  
21 or national guard of any state or a former member with an honorable  
22 discharge.

23 ~~(5)~~(6) "Military spouse" means the spouse of a military  
24 servicemember.

25 ~~(6)~~(7) "Private certification" means a voluntary program in which a  
26 private organization grants nontransferable recognition to an individual  
27 who meets personal qualifications and standards relevant to performing the  
28 occupation as determined by the private organization.

29 ~~(7)~~(8) "Scope of practice" means the procedures, actions, processes  
30 and work that a person may perform under a government issued license,  
31 registration or certification.

32 (9) *"Verification system" means an electronic method by which the*  
33 *authenticity and validity of electronic credentials are verified.*

34 (b) Notwithstanding any other provision of law, any licensing body  
35 shall, upon submission of a complete application, issue a *paper-based and*  
36 *verified electronic* license, registration or certification to an applicant as  
37 provided by this section, so that the applicant may lawfully practice the  
38 person's occupation.

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

43 (1) If the applicant qualifies under the applicable Kansas licensure,

1 registration or certification by endorsement, reinstatement or reciprocity  
2 statutes, then pursuant to applicable licensure, registration or certification  
3 by endorsement, reinstatement or reciprocity statutes of the licensing body  
4 of this state for the license, registration or certification within 15 days from  
5 the date a complete application was submitted if the applicant is a military  
6 servicemember or military spouse or within 45 days from the date a  
7 complete application was submitted for all other applicants; or

8 (2) if the applicant does not qualify under the applicable licensure,  
9 registration or certification by endorsement, reinstatement or reciprocity  
10 statutes of the licensing body of this state, or if the Kansas professional  
11 practice act does not have licensure, registration or certification by  
12 endorsement, reinstatement or reciprocity statutes, then the applicant shall  
13 receive a license, registration or certification as provided herein if, at the  
14 time of application, the applicant:

15 (A) Holds a valid current license, registration or certification in  
16 another state, district or territory of the United States with licensure,  
17 registration or certification requirements that the licensing body  
18 determines authorize a similar scope of practice as those established by the  
19 licensing body of this state, or holds a certification issued by another state  
20 for practicing the occupation but this state requires an occupational  
21 license, and the licensing body of this state determines that the  
22 certification requirements certify a similar scope of practice as the  
23 licensing requirements established by the licensing body of this state;

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

26 (C) has not committed an act in any jurisdiction that would have  
27 constituted grounds for the limitation, suspension or revocation of the  
28 license, certificate or registration, or that the applicant has never been  
29 censured or had other disciplinary action taken or had an application for  
30 licensure, registration or certification denied or refused to practice an  
31 occupation for which the applicant seeks licensure, registration or  
32 certification;

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

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

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

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

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

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

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

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

32 (1) Worked in a state that does not use an occupational license,  
33 registration, certification or private certification to regulate an occupation,  
34 but this state uses an occupational license, registration or certification to  
35 regulate the occupation;

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

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

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

43 (1) Holds a private certification and worked in a state that does not

1 use an occupational license or government certification to regulate an  
2 occupation, but this state uses an occupational license or government  
3 certification to regulate the occupation;

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

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

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

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

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

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

36 (i) In the event the licensing body determines that the license,  
37 registration or certification currently held by an applicant under subsection  
38 (c)(2) or the work experience or private credential held by an applicant  
39 under subsections (e) or (f), who is not a military spouse or military  
40 servicemember, does not authorize a similar scope of practice as the  
41 license, registration or certification issued by the licensing body of this  
42 state, the licensing body may issue a temporary permit for a limited period  
43 of time to allow the applicant to lawfully practice the applicant's

1 occupation while completing any specific requirements that are required in  
2 this state for licensure, registration or certification that was not required in  
3 the state, district or territory of the United States in which the applicant  
4 was licensed, registered, certified or otherwise credentialed, unless the  
5 licensing body finds, based on specific grounds, that issuing a temporary  
6 permit would jeopardize the health and safety of the public.

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

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

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

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

30 (n) Notwithstanding any other provision of law, during a state of  
31 emergency declared by the legislature, a licensing body may grant a  
32 temporary emergency license to practice any profession licensed, certified,  
33 registered or regulated by the licensing body to an applicant whose  
34 qualifications the licensing body determines to be sufficient to protect  
35 health and safety of the public and may prohibit any unlicensed person  
36 from practicing any profession licensed, certified, registered or regulated  
37 by the licensing body.

38 (o) Licensing bodies ~~may~~ shall provide *paper-based and verified*  
39 ~~electronic credentials to persons regulated by the licensing body. For~~  
40 ~~purposes of this subsection, "electronic credential" means an electronic~~  
41 ~~method by which a person may display or transmit to another person~~  
42 ~~information that verifies a person's certification, licensure, registration or~~  
43 ~~permit.~~ A licensing body may prescribe the format or requirements of the

1 electronic credential to be used by the licensing body. Any statutory or  
2 regulatory requirement to display, post or produce a credential issued by a  
3 licensing body may be satisfied by the proffer of an electronic credential  
4 authorized by the licensing body. *Licensing bodies shall utilize a central*  
5 *electronic record system to issue, revoke, suspend and maintain oversight*  
6 *of electronic credentials.* A licensing body may use a third-party electronic  
7 credential system that is not maintained by the licensing body. Such  
8 electronic credential system shall include ~~a~~ *an instantaneous* verification  
9 system that is operated by the licensing body or its agent on behalf of the  
10 licensing body for the purpose of *instantly* verifying the authenticity and  
11 validity of electronic credentials issued by the licensing body. *Electronic*  
12 *credential systems shall maintain an auditable record of credentials issued*  
13 *by each licensing body.*

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

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

21 (r) 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) This section shall apply to all licensing bodies not excluded under  
31 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 (t) 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 (u) 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.