

DRAFT LICENSURE BILL

The Interstate Compact for the Temporary Licensure of Professionals is hereby enacted into law and entered into with all other jurisdictions legally joining the compact, which is substantially as follows:

SECTION I. PURPOSE

The purpose of this compact is to:

- (a) allow member states to expediently grant a temporary license to eligible licensees moving to their state;
- (b) allow eligible licensees moving to a member state time to meet the licensure requirements of the destination state while practicing their occupation;
- (c) increase the mobility of professional licenses, safeguard the health and safety of the public, and enhance the workforce in member states.

SECTION II. DEFINITIONS

In this compact:

- (a) “Applicant” means a natural person who has submitted an application to a member state for a temporary license.
- (b) “Background check” includes a criminal background investigation and a national criminal history record check.
- (c) “Destination state” means the member state in which a temporary license is sought.
- (d) “Member state” means a state that has enacted the compact.
- (e) “Military spouse” means a person whose spouse is a member of the United States Armed Forces that is on active duty and stationed in the destination state.
- (f) “Professional License” or “License” means any state issued credential that authorizes a natural person to work in a given profession, which would be unlawful without the authorization of a state licensing authority.
- (g) “State” means any state, commonwealth, district, or territory of the United States.

- (h) “Temporary license” means an unrestricted license granted by a member state to an eligible professional through the process set forth in the compact.
- (i) “Unrestricted license” means a license that is not conditioned on that particular licensee’s agreement to limit the scope of his or her professional work or to engage in additional requirements or protocols specific to that licensee.

SECTION III: CONTENTS OF APPLICATION AND FEES

An application for a temporary license shall include the following:

- (a) The applicant’s full name;
- (b) A list of all states in which the applicant holds a professional license; and
- (c) A statement by the applicant that he or she:
 - i. holds a valid, full, and unrestricted license in a member state; and
 - ii. is in good standing, as set forth in Section IV, with every other state in which the individual is licensed.

The licensing authority may request identifying information such as an applicant’s date of birth, social security number, or state license number. The destination state’s licensing authority may charge fees comparable to other fees charged by that licensing authority.

SECTION IV: ISSUANCE OR NON-ISSUANCE OF TEMPORARY LICENSE

An applicant seeking a temporary license shall submit a complete application to the licensing authority of the destination state. The licensing authority of the destination state, or its agent, shall issue the temporary license within 30 days of receipt of a complete application unless it determines that the applicant: (1) does not possess a valid, full, and unrestricted license issued by a member state; (2) is not in good standing in all states in which the applicant is licensed; or (3) is ineligible due to a disqualifying record identified during a background check. An applicant is considered to be in good standing with a state licensing authority if the licensee is not under

active investigation, has not been the subject of an unfavorable determination in a disciplinary action two years prior to the date of the application, and has no pending disciplinary actions before the authority. A licensing authority may only conduct a background check if it is otherwise authorized to do so. Based on the results of a background check, a licensing authority may find an applicant ineligible for a temporary license only if it would similarly find an applicant for a regular license ineligible. An applicant who fails to meet the necessary requirements shall be issued a prompt ineligibility letter from the licensing authority of the destination state or its agent. Any applicant found to be ineligible may appeal the determination pursuant to chapter 1-26.

SECTION V: DUTIES OF MEMBER STATES

Upon request, each member state shall provide another member state with the following information within 10 days:

- (a) whether a licensee possesses a valid, full, and unrestricted license; and
- (b) whether a licensee is in good standing as set forth in Section IV.

Further, a destination state may notify a member state when the destination state grants a temporary license based on an individual's licensure within that member state. If so notified, the member state shall promptly inform the destination state if it takes adverse action against such licensee.

SECTION VI: OPT OUT

Any member state may decline to afford reciprocity to active licensees from another member state for a particular occupation by enacting legislation finding that the requirements for such licenses in the relevant member state are inadequate to protect the public health and safety.

SECTION VII: TERMS OF TEMPORARY LICENSE

The temporary license shall be for a term of eighteen months unless the applicant is a military spouse. If the applicant is a military spouse the temporary license shall be for a term of two years. A temporary license is non-renewable except that any member state may decide to make temporary licenses for any or all occupations renewable by statute. An individual holding a temporary license is authorized to work as a licensed professional in the destination state consistent with all applicable laws and regulations of the destination state and the licensure authority that issued the temporary license.

SECTION VIII: JURISDICTION OVER LICENSEES

An individual issued a temporary license by a destination state automatically submits himself or herself to the jurisdiction of the licensing authority of the destination state. Other member states, however, retain jurisdiction to impose adverse action against their own licensees.

SECTION IX: STATE LAW SUPERSEDED

All member states' laws, except for state constitutions, are superseded by the Interstate Compact for the Temporary Licensure of Professionals to the extent of a conflict. The option of temporary licensure that this Compact creates is intended to coexist with the option of permanent licensure that may be created by other interstate licensing compacts specific to a profession, and whenever possible this Compact should be interpreted so as to imply no conflict between it and any other licensing compact. Nothing in this compact shall be construed to limit the ability of a licensing authority to issue a license pursuant to a state or federal law that allows for issuance of licenses in a more expedited manner.

SECTION X: EFFECTIVE DATE

Any state is eligible to become a member state. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than two states. The

initial effective date shall be the later of July 1, 2018, or upon the date the law is enacted in the second jurisdiction to join the compact. Thereafter it shall become effective and binding as to any other member state upon the date the law becomes enacted in that state.

SECTION XI: WITHDRAWAL

Any member state may withdraw from this compact by specifically repealing the statute that enacted the compact into law. The effective date of the withdrawal is the effective date of the repeal. Temporary licenses issued by the member state prior to the withdrawal date shall not be affected by withdrawal.

SECTION XII: INSUBSTANTIAL DIFFERENCES

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by any member state.