

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1246

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1246
January 31, 2013
18084

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to occupational and professional licensure of military spouses.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1246.

Rep. Meier appeared in support of HB 1246. **Attachment 1.** (End 2:56)

Rep. Vernon Laning I assume all of these states have to have reciprocal agreements and we are essentially adding North Dakota into that. What is required in this expediting?

Rep. Meier They have to be licensed fully in another state in order to obtain the license. They would have to go before the board. The qualifications would have to be very close to ND. If the board felt a license could be denied, they can deny it.

Rep. Vernon Laning What we are doing is extending the courtesy of getting a temporary license to allow them to continue or to find a job rather than wait?

Rep. Meier Correct. They would have to go through continuing education.

Senator Dick Dever appeared in support of this bill. I understand the board of nursing was involved in this bill. Later we discovered this bill applies to other professions. He pointed out that foreign means out of state. If there was reciprocity, then this wouldn't be an issue. This allows that.

Rep. Scott Louser I am wondering if the other professions even have a provisional license or a temporary permit definition to practice whatever that profession? Is this creating a new licensure status in professions that don't exist now?

Senator Dever I think not.

Rep. Karen Karls Are the listed professions that are exempted in the bill a certain category of board?

Senator Dever This is existing language. They are already exempted from this particular section of the code.

Chairman Jim Kasper It looks like they are changing terminology.

Rep. Gail Mooney How do you know based on the bill which occupations are going to be included in that?

Senator Dever It is referenced on the list provided by Rep. Meier.

Dr. Stacey Pfenning, Associate Director for Education and APRN Practice for the North Dakota Board of Nursing, appeared in support. **Attachment 2.** (13:11-15:14)

Rep. Karen Karls Does North Dakota still have a four-year graduate degree for RNs?

Dr. Pfenning We do not. We have the graduate degree but it is not required.

Rep. Karen Karls Would a nurse from another state who has a two-year RN be considered fully licensed and able to be reciprocated? Is it just those 24 states?

Dr. Pfenning Yes. The 24 states is a compact state. That is unique in the fact that nurses are able to move about those 24 states once they have a license. We do license registered nurses who have associate, baccalaureate, master, and doctor degrees.

Vice Chair Randy Boehning How long is the process?

Dr. Pfenning It takes approximately two months.

Vice Chair Randy Boehning We could speed this up within a couple weeks?

Dr. Pfenning Yes.

Rep. Ben Koppelman Are you able under administrative rule right now to create a temporary or conditional license that would be worded similar to this without it being in statute?

Dr. Pfenning We do have temporary license language already in place. This would allow us to expedite the continuing education.

Rep. Ben Koppelman Is this legislation achieving something that you couldn't achieve through administrative rule?

Dr. Pfenning Good question. I would like to review that question with Dr. Kalanek and get back to you. **Attachment 6 was received at a later date that reviewed that question.**

Chairman Jim Kasper When it comes to having a statute or a rule, many of us like statute because we set the policy with a statute. This obviously impacts the nursing profession.

Does it impact other professions the way the language is in the bill or are we zeroing in just on nursing?

Dr. Pfenning My expertise is nursing and not aware of other professions.

Suzanne Larson, Airman and Family Services Flight Chief at Minot Air Force Base, appeared in support. **Attachments 3 and 4** (20:09-25:04)

Rep. Marie Strinden The spouse will get a two year temporary license. In your opinion does this bill do what we are trying to get it to do?

Suzanne Larson Yes, it does, because it allows the spouse to start working immediately so she can have income to offset the expenses of those additional requirements.

Rep. Gail Mooney Does that also address the fees?

Suzanne Larson I believe that it does. Again, if they can start working immediately they have that income to offset the cost of the fees.

Rep. Gail Mooney We are not looking to avoid the fees, just incorporate it in a reasonable way?

Suzanne Larson That is my understanding.

Rep. Karen Karls How would this affect teachers that come into the state?

Suzanne Larson I would have to defer to Rep. Meier to see if she has additional information on that.

Opposition:

Bonnie Staiger, ND State Board of Architecture, appeared in opposition if it goes forward without exempting architects. It presents a problem for us because we are a very small office with two extremely part-time staff. Because of our limited staff, we participate in a national credentialing organization which provides the background material and check to make sure that an architect does not have a license violation. It also makes sure that the educational training is there. If we are not exempt from this, it would allow someone who could bypass that filter for us, and we would have to go through the process of seeking information from every single jurisdiction about a potential licensee which would be overwhelming for us.

Rep. Vernon Laning My understanding that this allows the respective boards to issue a temporary permit. If your time takes longer, that would be your board's prerogative to drag it out or whatever it took. I don't see anything that forces anybody to issue this temporary permit. Am I incorrect?

Bonnie Staiger It is my understanding that we would have to create a temporary permit. We have no means by which to do that either in statute or administrative rule. We would

have to create those processes in addition to investigating every single applicant that would come our way under this provision.

Rep. Ben Koppelman Do you believe the binding part of this is the "shall issue" in Section 2, Subsection 1?

Bonnie Staiger Yes. There are places where it sounds mandatory and other places where it sounds optional and, when in doubt, shall trumps may.

Chairman Jim Kasper Let us assume this bill doesn't exist and a military spouse comes to ND, was a licensed architect fully accredited in the state of CO and applies for a license here in ND, what process would you use?

Bonnie Staiger The process by which someone can seek reciprocal license in North Dakota is, under normal circumstances, actually quite simple provided the state in which that architect comes from and the architect participate in the national certification process. That provides a portfolio from the original state of licensure and that architect that contains the training, education, internship, testing, and also disciplinary data base response in one package. That process takes from ten days to two weeks.

Chairman Jim Kasper How many states are reciprocal right now with the ND Board of Architecture for architecture?

Bonnie Staiger Most of them are. I cannot tell you exactly how many or which ones do not participate or whether or not an individual architect also carries that credential. Both pieces have to be in place.

Chairman Jim Kasper If this individual applied for the license, you would do your background check. You would find out whether or not they qualified and then you would issue the temporary or permanent license?

Bonnie Staiger If the applicant has certification, we skim through that there aren't any parts missing or submitted a response to the question about disciplinary action, and we always make sure we understand what that is and if it has been resolved. If someone does not participate in that, they can't apply for licensure in ND.

Chairman Jim Kasper It appears that the bill requires they have the credentials. What is the difference? The military spouse, if we did not have this bill, would apply to you, and if you found that they were not competent, you would be able to not issue the license. If the bill is here and they apply to your board and you found they were not competent, I don't believe you would still have to issue a license because they didn't meet the competency requirements.

Bonnie Staiger I reference the workload only if someone comes through the system where they do not have national certification in which case my reading of the bill tells me that we would have to set up a temporary license. If your interpretation is that we would not have to exercise that option or if all of our current existing standards would be in place, I would take that assurance that we could continue without having that concern.

Chairman Jim Kasper He read Page 2, beginning on Line 19-27. Isn't that what you do now anyway?

Bonnie Staiger Yes, I believe that is the case. However, it also gets back to Rep. Ben Koppelman's question about the inconsistency in the language.

Chairman Jim Kasper It appears to be the intent is to solve your problem, because if someone is not qualified, they should not get a license if they are military spouse. Maybe there is some inconsistency we need to work with Legislative Council to fix or you could help with any inconsistency that you see. I don't see where your board or any other board would have a problem the way the bill is written. I think it speaks for itself, but I could be wrong.

Bonnie Staiger I would be happy to work with you and the Legislative Council to clear up any inconsistencies.

Chairman Jim Kasper If there is concern on the architectural board, there might be concern from a few other boards that could also be part of that process.

State Wendy McGinley, State Board of Massage Therapists, appeared. With massage therapy, there is no national accrediting agency. Each state sets their own education requirements. Seven states have no licensure policy. Education runs from 250 hours to 1,000. North Dakota requires 750 hours of education. California requires 250 hours. ND requires 32 hours of continuing education every two years. We would like to be on the exempted list or know that as a board we have the ability to say we cannot licensure. As a board, we don't have temporary license. It is either fully licensed or working on getting licensed. Transferring from state to state is not easy.

Rep. Gail Mooney Doesn't Page 2, Line 22 address that board?

Wendy McGinley We just want to make sure that we have the right and ability to be able to do that and that we don't have to give a temporary license when they have not met our qualifications and standards.

Chairman Jim Kasper If you continue you on where Rep. Gail Mooney was referencing on Line 28, may issue. I just can't see where your concern is.

Wendy McGinley We just wanted clarification.

Neutral:

Pastor Larry Giese, Mandan, President of the North Dakota Marriage and Family Therapy Licensure Board, appeared neutral on this bill. **Attachment 5.** (43:02-45:05)

Chairman Jim Kasper If we added somewhere in the bill the term endorsement to meet your concern about your language in your section of the code and add where we could issue a provisional or temporary license, just to use the word license as one of the options, that would solve your problem?

Pastor Giese Yes.

Mark Hardy, Assistant Executive Director of the ND Board of Pharmacy, appeared neutral on this bill. We feel we already have the provisions within our current statues to accomplish what this bill does.

Hearing closed.

Chairman Jim Kasper It appears we need some tweaking.

Rep. Scott Louser On Page 2, Line 19, I think we should consider shall be changed to may.

Chairman Jim Kasper I think that defeats the purpose of the bill. You use the word may and now we are in the same situation we are currently in where boards could sit on the application simply because they want to do so and particularly in the situation of the military where they have limited time of being here, I would rather have the word shall giving them the opportunity to look at the requirements that they need to meet before they can meet the licensure requirements to be licensed. If they don't meet the license requirements, the board has the responsibility not to issue the license.

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1246
February 14, 2013
18951

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to occupational and professional licensure of military spouses.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the session on HB 1246. **Attachment 1** was provided to the committee in response to an inquiry at the hearing.

Edward Erickson, Assistant Attorney General, presented **Attachment 2** and went over the attachment. (1:34-5:37)

Chairman Jim Kasper They could not grant exceptions with your language?

Edward Erickson No, it still says shall.

Chairman Jim Kasper It says they shall adopt rules or shall grant on a case by case basis. This would not give the board a loophole where they say well, we are going to adopt rules where you are not going to make it?

Edward Erickson No, it does not create a loophole. We are keeping that mandatory language. If we adopt rules, we have a standard that everyone can just read and apply.

Chairman Jim Kasper How long does it take the board to adopt the rules?

Edward Erickson It would take 6-9 months.

Rep. Gary Paur In the original bill renewal was included, but it is not included here. Is that adequate or is there an oversight?

Edward Erickson What we are talking about is the initial license, and once they are licensed under the terms of this, we expect they would meet the same renewal requirements.

Vice Chair Randy Boehning Did you take a different draft?

Edward Erickson This was taken off the state website. I know that the page numbers and the line numbers didn't quite match up when we took it off. There was no intent to do anything other than deal with the bill as provided. I am using the original version. (9:51-12:16)

Chairman Jim Kasper How do you measure substantial increase?

Edward Erickson That would be something that the board would have to look at in the individual situation that is involved. We are trying to draft something that applies to so many professions that what would apply in one profession might not apply to another one. One example is the state board of massage. They require so many hours of education clock hours, of education in certain specific topics, anatomy, physiology, etc. If their requirement is that they have six hours of physiology and they only have five, that seems substantially similar, but if they have none, they are completely missing that. I know physiology is important in the massage field because you are learning about the connection of muscles and joints for the specific purpose of say, not stretching or twisting someone beyond the point at which would cause an injury. They also have other classes required like CPR, business practices that are fairly minor, and I am sure that the board would welcome the ability to waive that and just say well get your CPR certification by the time you renew.

Chairman Jim Kasper Did any organization approach you to put that in there or was that something you determined on your own?

Edward Erickson I determined that just on the basis of experience and working with the various boards.

Rep. Karen Rohr Back on Line 31 where you deleted the completion of applicable continuing education units, was that okay with the board of nursing?

Edward Erickson No I didn't speak specifically with the board of nursing.

Rep. Karen Rohr Again, the way the statement reads they could still use that under the term standards. Correct?

Edward Erickson Yes, I believe they would. That would be part of demonstrating competency. One thing about the idea of substantially similar is that there are some licensing boards dealing with reciprocity that have a substantially similar standard in their licensing act. We had a gentleman coming here with his education from Florida and had been practicing there and then in Colorado. His education standards did not meet what we are requiring today. We were able to look at them and determine that they were substantially similar to ours here in ND and grant him reciprocity under that statute.

Rep. Karen Karls Pertaining to respiratory therapy, in ND I believe it is a four year degree program and in MN, it is a two year technical school associate degree. Would that pose a problem?

Edward Erickson I think we would want to look at the individual situation. I know most of the programs are now teaching at four year degrees although MN might be allowing licensure with an associate degree. In that case we would want to also look at the person's career, any disciplinary history or licensing history they might have happened to have. (17:20-22:45)

Chairman Jim Kasper Who is going to have heartburn about your amendments? Do you know of any boards that are going to look at this and say we don't dislike this?

Edward Erickson I circulated this to all the boards I work with directly. I circulated this to the lawyers who work with the other professional occupational licensing boards. The only feedback I received that was negative, not negative to the amendments, but the abstracters board of examiners wants to meet and consider whether they want to come in and request an exception from this chapter. The private investigative and security board is thinking about it.

Chairman Jim Kasper How long do they think we have before we make a decision?

Edward Erickson They know you have to make your decision pretty soon. There is the other side that they might want to come in and talk about those.

Rep. Steven Zaiser You used the word convoluted earlier. To me it seems all convoluted.

Edward Erickson I recognize it is convoluted, but there must have been an intention by this bifurcated definition of board for some intent and purpose.

Chairman Jim Kasper Architects are not exempted. Engineers are not exempted, and then you mentioned abstractors. Is there a reason why those professions are not exempted?

Edward Erickson I really don't know the answer to why these boards are exempted and others were not.

Rep. Vicky Steiner Rep. Meier told me that anyone who wants to get out and wants to be exempted, it is fine with her. She was trying to address an issue, and I do have an amendment from her about the architect request for exemption. **Attachment 3.**

Rep. Gail Mooney If we are opening it up to exemptions right off the bat and then if the process going forward allows for more exemptions, are we just creating a situation where we are going to start exempting out of one particular board's sense of necessity?

Chairman Jim Kasper We can only deal with what the bill says right now, and if some of these professions aren't exempted out, they are going to have make their case over in the senate and then it will come back to a conference committee if they make changes. They didn't appear. If they were concerned about the bill, they should have been here.

Rep. Gary Paur Would it be prudent to give the amendment that Rep. Steiner has for him to review that while we are discussing this amendment?

Chairman Jim Kasper We will deal with that amendment after we deal with this one.

Vice Chair Randy Boehning moved the Erickson amendments.

Rep. Jason Dockter seconded.

A voice vote was taken and the motion carried to adopt the amendments.

Rep. Vicky Steiner went over the **Attachment 3** amendment and moved to adopt it.

Vice Chair Randy Boehning seconded.

Chairman Jim Kasper Based upon the amendments that we just adopted and this amendment here, we might have to change where it fits, but do you see any problem in the language of the amendment as far as fitting into the bill that we adopted with your amendments?

Edward Erickson No. I believe that this would work well with that.

A voice vote was taken and the motion carried to adopt the amendment, 13.0513.01001.

Vice Chair Randy Boehning moved another amendment, the emergency clause.

Rep. Karen Rohr seconded.

A voice vote was taken and the motion carried to add the emergency clause.

Rep. Vernon Laning made a motion for a Do Pass as amended.

Rep. Karen Rohr seconded.

Vice Chair Randy Boehning I am assuming that the boards can get going on this before they start making administrative rules.

Edward Erickson That would be the case by case language.

A roll call vote was taken and resulted in **DO PASS AS AMENDED, 13-0, 1 ABSENT.**
Rep. Marie Strinden is the carrier.

2/14/13
CBNO
180

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1246

Page 1, line 2, remove the second "and"

Page 1, line 4, after "spouses" insert "; and to declare an emergency"

Page 2, line 13, after "orders" insert "or stationed in this state before a temporary assignment to duties outside of this state"

Page 2, line 19, remove "Notwithstanding any other law to the contrary, a board shall issue a North Dakota"

Page 2, line 20, replace "license to a military spouse" with "A board shall adopt rules regarding licensure of a military spouse and shall grant on a case-by-case basis exceptions to the board's licensing standards"

Page 2, line 20, replace the second "the" with "a"

Page 2, line 21, remove "the military spouse"

Page 2, line 22, replace "Demonstrates" with "The military spouse demonstrates"

Page 2, line 22, after "methods" insert "or standards"

Page 2, line 23, remove "completion of applicable continuing"

Page 2, line 24, remove "education units and"

Page 2, line 25, remove "and"

Page 2, line 26, replace "Pays" with "The military spouse pays"

Page 2, line 27, replace the underscored period with "; and

c. The board determines the exception will not substantially increase the risk of harm to the public."

Page 2, line 29, remove "who holds a license from a jurisdiction"

Page 3, line 10, replace "The boards exempted under" with "A board that is exempted from this chapter under subdivision a of"

Page 3, line 12, after the underscored period insert "A board that may elect to subject the board to this chapter under subdivision b of subsection 1 of section 43-51-01 may issue a license, provisional license, or temporary permit to a military spouse in the same manner as provided under subsections 1 and 2 regardless of whether the board has adopted rules to subject the board to this chapter. The state board of architecture and landscape architecture is exempt from the mandate in subsection 1; however, the board voluntarily may issue a license, provisional license, or temporary permit under subsections 1 and 2."

Page 3, after line 14, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2-14-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1246**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Boehning Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

*adopt
 Erickson amendment
 voice votes
 motion
 carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-14-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1246**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0513.01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Steiner Seconded By Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

*Voice vote
 motion
 carried to
 adopt
 amendment*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-14-13
 Roll Call Vote #: 3

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1246**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Boehning Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

*Add Emergency Clause
 voice vote
 motion
 carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-14-13
 Roll Call Vote #: 4

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1246**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0513.01002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Laning Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	x		Rep. Bill Amerman	x	
Vice Chairman Randy Boehning	x		Rep. Gail Mooney	x	
Rep. Jason Dockter	x		Rep. Marie Strinden	x	
Rep. Karen Karls	x		Rep. Steven Zaiser	x	
Rep. Ben Koppelman	x				
Rep. Vernon Laning	x				
Rep. Scott Louser					
Rep. Gary Paur	x				
Rep. Karen Rohr	x				
Rep. Vicky Steiner	x				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Strinden

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1246: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 4, after "spouses" insert "; and to declare an emergency"

Page 2, line 13, after "orders" insert "or stationed in this state before a temporary assignment to duties outside of this state"

Page 2, line 19, remove "Notwithstanding any other law to the contrary, a board shall issue a North Dakota"

Page 2, line 20, replace "license to a military spouse" with "A board shall adopt rules regarding licensure of a military spouse and shall grant on a case-by-case basis exceptions to the board's licensing standards"

Page 2, line 20, replace the second "the" with "a"

Page 2, line 21, remove "the military spouse"

Page 2, line 22, replace "Demonstrates" with "The military spouse demonstrates"

Page 2, line 22, after "methods" insert "or standards"

Page 2, line 23, remove "completion of applicable continuing"

Page 2, line 24, remove "education units and"

Page 2, line 25, remove "and"

Page 2, line 26, replace "Pays" with "The military spouse pays"

Page 2, line 27, replace the underscored period with "; and"

c. The board determines the exception will not substantially increase the risk of harm to the public."

Page 2, line 29, remove "who holds a license from a jurisdiction"

Page 3, line 10, replace "The boards exempted under" with "A board that is exempted from this chapter under subdivision a of"

Page 3, line 12, after the underscored period insert "A board that may elect to subject the board to this chapter under subdivision b of subsection 1 of section 43-51-01 may issue a license, provisional license, or temporary permit to a military spouse in the same manner as provided under subsections 1 and 2 regardless of whether the board has adopted rules to subject the board to this chapter. The state board of architecture and landscape architecture is exempt from the mandate in subsection 1; however, the board voluntarily may issue a license, provisional license, or temporary permit under subsections 1 and 2."

Page 3, after line 14, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1246

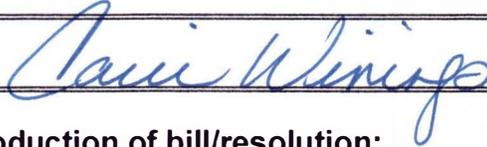
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1246
03/14/2013
Job Number 19963

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to occupational and professional licensure of military spouses; to amend and reenact section 43-51-01 of the North Dakota Century Code, relating to occupational and professional licensure of military spouses; and to declare an emergency.

Minutes:

Chairman Dever: Opened the hearing on HB 1246.

Representative Meier, District 32: See Attachment #1 and Attachment #2 as sponsor and for testimony on the bill.

(3:58) Chairman Dever: This passed 91 to 0 in the House.

Rep. Meier: I did pass along a list of all the professions that it would include and then we also did exempt the architects because that was a want from the state architecture commission and they asked for that only because they consist of a staff of 1 ½ members and for an architect to come into the state they would have to research all the other states and it was expressed that it would be burdensome. I had the amendment drafted for that.

Chairman Dever: I see that on page 3 line 20. The bill otherwise applies to all of the professions you have listed?

Representative Meier: Correct.

(5:37) Constance Kalanek PHD, RN, Executive Director for the North Dakota Board of Nursing: See Attachment #3 for testimony in support of the bill.

(7:42) Chairman Dever: I understand that you were part of the process in drafting this bill?

Constance Kalanek: Yes, I thought it was military friendly piece of legislation and nurse friendly. Right now we are bringing in nurses from the Philippines into Minot. They have three year contracts.

(No other testimony present)

Chairman Dever: Closed the hearing on HB 1246.

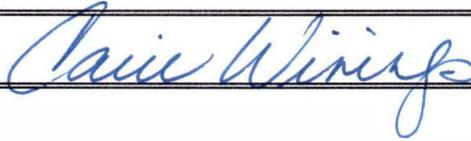
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1246
03/29/2013
Job Number 20680

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1246 for committee discussion. The committee was reminded of what the bill covered and what the intent of the bill was. This bill does not weaken any standards; it only streamlines them.

Vice Chairman Berry: Read from Representative Meier's testimony.

Senator Cook: Moved a Do Pass.

Senator Schaible: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Chairman Dever: Carrier.

REPORT OF STANDING COMMITTEE

HB 1246, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1246 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1246

Attachment 1

House Bill 1246

Thank you Mr. Chairman and members of the committee. For the record, my name is Rep. Lisa Meier, of District 32.

HB 1246 will make it easier for military spouses to get professional licenses when they move.

The reason why I think this still is so important is because every time a military spouse transfers from state to state, no matter how many years of experience, they have to go through a process of gathering old transcripts, paying new fees, filling out a pile of paperwork, and sometimes taking entry-level classes.

It's a process that could take months and during that time, these military spouses can't practice their profession, even though there are jobs in their new communities and companies desperate to hire them. That means their skills go unused while their families try to get by without income they need.

It means they are unable to advance in their careers they trained for, often for many years. Sometimes the hassle is simply too much and these spouses choose to quit the careers that they love and choose new ones that are more friendly to a military lifestyle.

This bill was brought to my attention by Dr. Connie Collanick, of the North Dakota Board of Nursing. It simply asks for temporary licensure for those who come to the state fully licensed from another state and an expedited process to obtain a state's license.

This bill no way decreases the level of education and skills or expectation or professionalism required to do the job.

So far, if we pass this legislation along with the 7 states that have pending legislation, only 20 states will not have passed legislation dealing with this important matter.

This concludes my testimony and I stand for any questions.

TITLE 43

Occupations and Professions

- CHAPTER 43-01 Abstracters
- CHAPTER 43-02 Accountants
 - CHAPTER 43-02.1 Public Accountancy Act
 - CHAPTER 43-02.2 Accountants
- CHAPTER 43-03 Architects and Landscape Architects
- CHAPTER 43-04 Barbers
- CHAPTER 43-05 Podiatrists
- CHAPTER 43-06 Chiropractors
- CHAPTER 43-07 Contractors
- CHAPTER 43-08 Dentists
- CHAPTER 43-09 Electricians
- CHAPTER 43-10 Funeral Service Practitioners
 - CHAPTER 43-10.1 Pre-Need Funeral Services
- CHAPTER 43-11 Cosmetologists
- CHAPTER 43-12 Nurse Scholarships and Loans
 - CHAPTER 43-12.1 Nurse Practices Act
 - CHAPTER 43-12.2 Medical Personnel Loan Repayment Program
- CHAPTER 43-13 Optometrists
- CHAPTER 43-14 Osteopaths
- CHAPTER 43-15 Pharmacists
 - CHAPTER 43-15.1 Wholesale Drug Distributors
 - CHAPTER 43-15.2 Legend Drug Donation and Repository Program
 - CHAPTER 43-15.3 Wholesale Drug Pedigree
 - CHAPTER 43-15.4 Veterinary Prescription Drugs
- CHAPTER 43-16 Photographers
- CHAPTER 43-17 Physicians and Surgeons
 - CHAPTER 43-17.1 Board of Medical Examiners Investigative Panels
 - CHAPTER 43-17.2 Physician Loan Repayment Program
- CHAPTER 43-18 Plumbers
 - CHAPTER 43-18.1 Water Conditioning Contractors and Installers
 - CHAPTER 43-18.2 Sewer and Water Installers
- CHAPTER 43-19 Professional Engineers
 - CHAPTER 43-19.1 Professional Engineers and Land Surveyors
- CHAPTER 43-20 Dental Hygienists and Assistants
- CHAPTER 43-21 Practical Nurses
- CHAPTER 43-22 Oil and Gas Brokers

CHAPTER 43-23 State Real Estate Commission
CHAPTER 43-23.1 Subdivided Lands Disposition Act
CHAPTER 43-23.2 Real Estate Education Fund
CHAPTER 43-23.3 Real Estate Appraisers
CHAPTER 43-23.4 Real Estate Broker Trust Accounts
CHAPTER 43-24 Land Surveyors
CHAPTER 43-25 Massage Therapists
CHAPTER 43-26 Physical Therapists
CHAPTER 43-26.1 Physical Therapists
CHAPTER 43-27 Watchmakers
CHAPTER 43-28 Dentists
CHAPTER 43-28.1 Dentists' Loan Repayment Program
CHAPTER 43-29 Veterinarians
CHAPTER 43-29.1 Veterinarian Loan Repayment Program
CHAPTER 43-30 Investigative and Security Services
CHAPTER 43-31 Detection of Deception Examiners
CHAPTER 43-32 Psychologists
CHAPTER 43-33 Hearing Aid Dealers
CHAPTER 43-34 Nursing Home Administrators
CHAPTER 43-35 State Board of Water Well Contractors
CHAPTER 43-36 Professional Soil Classifiers
CHAPTER 43-37 Audiologists and Speech-Language Pathologists
CHAPTER 43-38 Electrologists and Electronic Hair Removal Technicians
CHAPTER 43-39 Athletic Trainers
CHAPTER 43-40 Occupational Therapists
CHAPTER 43-41 Social Workers
CHAPTER 43-42 Respiratory Care Practitioners
CHAPTER 43-43 Environmental Health Practitioners
CHAPTER 43-44 Dietitians and Nutritionists
CHAPTER 43-45 Addiction Counselors
CHAPTER 43-46 Peer Assistance Entity Agreements
CHAPTER 43-47 Counselors
CHAPTER 43-48 Clinical Laboratory Personnel
CHAPTER 43-49 Reflexologists
CHAPTER 43-50 Occupational Licensee Data base
CHAPTER 43-51 Professional and Occupational Licensing
CHAPTER 43-52 Interpreters
CHAPTER 43-53 Marriage and Family Therapy Practice
CHAPTER 43-54 Home Inspectors
CHAPTER 43-55 Professional Employer Organizations

CHAPTER 43-57 Integrative Health Care
CHAPTER 43-58 Naturopaths
CHAPTER 43-59 Music Therapists

House Human Services Committee

North Dakota Board of Nursing

HB 1246 Relating to Military Spouse Exemption

Chairman Kasper and members of the Committee. I am Dr. Stacey Pfenning, Associate Director for Education and APRN Practice for the North Dakota Board of Nursing. Greetings from Dr. Constance Kalanek, Executive Director of the North Dakota Board of Nursing who is unable to be here today.

Thank you for the opportunity to provide information regarding the HB 1246 related to Military Spouse Exemption.

The Board of Nursing:

1. Licenses approximately:
 - 12, 047 Registered Nurses (RN)
 - 3,494 Licensed Practical Nurses (LPN)
 - 898 Advanced Practice Nurses (APRN)
 - 528 APRNs with Prescriptive Authority
 - 520 Unlicensed Assistive Personnel (UAP) and Technicians
2. Is a nine member board appointed by the governor.
3. Is a member of the Nurse Licensure Compact which encompasses 24 states.

The Board of Nursing supports HB 1246 Military Spouse Exemption. With that being said, the Board would like to offer the following information:

- Historically, the Board of Nursing has supported our military.
- For example, the Board has allowed early renewal if deploying prior to the renewal cycle and have waived continuing education requirements for licensees that were deployed and unable to complete the required contact hours.
- North Dakota adopted the Nurse Licensure Compact in 2004. The nurses that reside in one of the 24 states and claim a home state as primary state of residence, can live here temporarily and not be licensed in North Dakota.
- The federal law and the Nurse Licensure Compact work great for the military but not for their spouses.
- July of 2012- 23 states have adopted pro-military spouse legislation. (I searched the web and the number has not changed).

- In a nutshell, what is being asked for is two-fold:
 - ✓ temporary licensure/permit for those who come to the state fully licensed from another state;
 - ✓ an expedited process to obtain that state's license.

Thank you in advance for your support of HB 1246 and for your attention. I am now open for questions.

Mr. Chairman, and members of the committee, my name is Suzanne Larson. I am the Airman and Family Services Flight Chief at Minot Air Force Base. I am presenting testimony on behalf of four military spouses who are in favor of this bill.

The first is from Mrs. Connie Blair, spouse of SrA Andrew Blair. She states:

"My husband and I moved to North Dakota in March of 2011. At this time, I had been a licensed teacher in the state of Texas for two years. Before I began the process of gaining licensure in North Dakota, I had considered being a substitute in North Dakota but soon found out this was not an option as all substitutes in the state of North Dakota need to be certified ND teachers.

About two months prior moving to North Dakota, I filled out the required paperwork to gain licensure in the state. After paying approximately \$400 in fees, I was informed that I was only to be provided with a provisional two-year license. During these two years I was to complete coursework in Native American/Multicultural studies, Special Education, and Educational Psychology. On top of that I was asked to take the Pre Professional Skills Test (PPST--\$85), Praxis II Mathematics Test (\$115), and Praxis II PLT: Grades 7-12 Test (\$139).

In May 2013 my North Dakota provisional license will expire. While I would love to continue to be a certified teacher, it is difficult enough for me to keep up with my current full-time job, work on my masters, and take care of my family without fulfilling these additional requirements. Another factor in my decision was time—by the time I complete these requirements for North Dakota, it will likely be time for us to move to another state in which I would also need certification. Unfortunately, this prohibits me from working in public education while my husband is in the military which is a shame since educators are in high demand throughout the country.

It is my hope that something can be done about this to help educators, and other licensed professionals, more easily transfer from one state to another. Not only will this help alleviate stress for the family with orders, it will help keep these professions fully staffed throughout the country.

Sincerely,
Connie Blair

The second is from Mrs. Chauntell Jannazo, spouse of Capt Anthony Jannazo. She states:

"I am a nurse and my Florida license is currently on Military status which doesn't actually allow me to practice in ND unless I am on a base. I have to do all the licensure requirements for ND and obtain a ND nursing license to practice here. Not only are there costly fees associated with it, there are things such as - you must have a ND drivers license, you must submit a new application through the state and take any additional training (which I believe there was none for ND but when I got licensed in Florida I had to do additional training). I have now had 4 different nursing licenses -Ohio, Kentucky, Florida, and North Dakota. I also have had to pay to renew all of these licenses which is over \$100 every 2 years per state. At this time I have let them all go inactive except for Florida and I am not practicing in ND. Paying renewal fees in 2 states was frankly unfair. "

Thanks,
Chauntell Jannazo

The third is from Mrs. Cindy McGovern, spouse of SSgt Justin McGovern. She states:

I definitely have a personal experience with this. I am a counselor. To work in ND I am back in school at my cost. I spend our whole assignment back in school, only to finish, then be re-assigned and start the whole process over again in another state. Since becoming a military spouse, I have also become a full-time student. 3rd move in 8 years and we have orders again!

And finally, from Mrs. Stacey Wheeler, spouse of MSgt Erik Wheeler. She states:

"I have a license in Cosmetology (hair stylist) & ND required more hours so I can't work here w/out going back to school! I even was able to get my licenses in Michigan, Guam, & NC, just not here!"

Thank you for your time.

Attachment 4



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (AFGSC)
MINOT AIR FORCE BASE NORTH DAKOTA**

31 January 2013

Colonel Alexis Mezynski
Commander, 5th Bomb Wing
201 Summit Drive
Minot Air Force Base, ND 58704

Representative Jim Kasper
Chairman, Government and Veterans Affairs Committee
State Capitol
600 East Boulevard
Bismarck, ND 58505

Dear Representative Kasper

I am writing to you in my capacity as Commander of the 5th Bomb Wing and Commander of Minot Air Force Base in support of HB1246, regarding the occupational and professional licensure of military spouses. This bill is an important piece of legislation that will provide essential support for our military families and support North Dakota's economy.

There is currently an absence of broad reciprocity for the recognition of professional licenses and/or certificates between states. For military spouses, this lack of reciprocity creates significant hardship when active duty service members receive orders to relocate to a new state. Spouses are forced to shoulder substantial costs and logistical challenges to become permanently licensed in a new state. North Dakota's adoption of a system for temporary licenses for military spouses will allow these spouses to quickly re-enter the workforce, thereby facilitating easier moves to North Dakota military bases and benefitting North Dakota's economy with infusions of highly skilled professional workers.

The bill's provisions for temporary licensure will facilitate the integration of military families to their new North Dakota homes. This benefits both the effectiveness of the military and the economy of North Dakota.

Thank you for your consideration of this important issue. If there is any further assistance I can provide, please feel free to contact me at (701) 723-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Mezynski".

ALEXIS MEZYNSKI, Colonel, USAF
Commander

Testimony HB 1246 House Government and Veterans' Affairs Committee (NEUTRAL)
Thursday, January 31, 2013, 8:00 AM

Rev. Larry J. Giese
3910 Lewis Road NW
Mandan, ND 58554, District #31

TO: Representative Jim Kasper, Chairman, Vice Chairman, Representative Randy Boehning,
Members of Committee, Representative Bill Amerman, Representative Jason Dockter,
Representative Karen Karls, Representative Ben Koppelman, Representative Vernon R. Laning, Representative Scott Louser, Representative Gail Mooney, Representative Gary Paur, Representative Karen M. Rohr, Representative Vicky Steiner,
Representative Marie Strinden, Representative Steven L. Zaiser

I stand NEUTRAL on HB 1246 as it relates to occupational and professional licensure of military spouses. I currently serve as President of the North Dakota Marriage and Family Therapy Licensure Board (NDMFTLB). In NDCC 43-53-08 The NDMFTLB has in place "endorsement." This is a process to recognize the education and experience (the norm being three years as agreed by the Association of Marriage and Family Therapy Regulatory Boards, AMFTRB) of LMFT's from another jurisdiction to apply for a license in North Dakota. By Title Rules 111-02-03-06, License by Endorsement, this rule includes an application, fees, graduation from an accredited university, verification of a license in good standing without any diverse actions or discipline actions taken or pending, a passing score on the national marriage and family therapy exam by the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB), an original transcript from the university where the applicant studied, and three written references from colleagues in the discipline of marriage and family therapy. I personally do not feel there is any dissonance between the existing licensing procedure of the NDMFTLB and the possible action of this bill to license

military spouses relocating to North Dakota as a licensed marriage and family therapist. Thank You.

Any questions please contact me.
Sincerely,

Rev. Larry J Giese, MDiv, MA, LMFT
3910 Lewis Road NW
Mandan, ND 58554-1361
701-223-2986

House Bill 1246

Attachment 6

From: Connie Kalanek <CKalanek@ndbon.org>
Sent: Monday, February 04, 2013 11:13 AM
To: Meier, Lisa M.; Kalanek, Constance B.
Cc: Stacey Pfenning; Hill, Patricia K.; Bitz, Karla
Subject: HB 1246 Military Spouse

Hi Rep Meier, Thank you for the opportunity to speak on behalf of HB 1246 Military Spouse Exemption. It is my understanding that Chairman Kasper & Representative Koppelman had the question below:

In response to the inquiry regarding how this bill may change the process of licensure at the ND Board of Nursing for military spouse is as follows:

- 1) If a military spouse nurse is fully licensed in another state and applies for licensure in ND, the Board may issue a temporary permit to practice in North Dakota.
- 2) The Board discussed the fee at the January Board Meeting and will consider a reduced fee pending passage of the legislation.

Lisa, would you share this information with your colleagues?

Thanks so much. Let me know if you have questions. Connie

February is National Healthy Heart Month
Constance B. Kalanek PhD,RN,FRE
ND Board of Nursing
919 South 7th Street, Suite 504
Bismarck, ND 58504
701-328-9781
701-328-9785 Fax
ckalanek@ndbon.org
www.ndbon.org

NDLA, Intern 09 - Wallace, Carrie

From: Connie Kalanek <CKalanek@ndbon.org>
Sent: Monday, February 04, 2013 11:13 AM
To: Meier, Lisa M.; Kalanek, Constance B.
Cc: Stacey Pfenning; Hill, Patricia K.; Bitz, Karla
Subject: HB 1246 Military Spouse

Hi Rep Meier, Thank you for the opportunity to speak on behalf of HB 1246 Military Spouse Exemption. It is my understanding that Chairman Kasper & Representative Koppelman had the question below:

In response to the inquiry regarding how this bill may change the process of licensure at the ND Board of Nursing for military spouse is as follows:

- 1) If a military spouse nurse is fully licensed in another state and applies for licensure in ND, the Board may issue a temporary permit to practice in North Dakota.
- 2) The Board discussed the fee at the January Board Meeting and will consider a reduced fee pending passage of the legislation.

Lisa, would you share this information with your colleagues?

Thanks so much. Let me know if you have questions. Connie

February is National Healthy Heart Month
Constance B. Kalanek PhD,RN,FRE
ND Board of Nursing
919 South 7th Street, Suite 504
Bismarck, ND 58504
701-328-9781
701-328-9785 Fax
ckalanek@ndbon.org
www.ndbon.org

Erickson, Edward E.

HB 1246 Attachment 2
2/7/13

From: Erickson, Edward E.
Sent: Wednesday, February 06, 2013 9:29 AM
To: Kasper, Jim M.; Boehning, Randy G.; Amerman, Bill D.; Dockter, Jason D.; Karls, Karen; Koppelman, Ben; Laning, Vernon R.; Louser, Scott C.; Mooney, Gail; Paur, Gary A.; Rohr, Karen M.; Steiner, Vicky L.; Strinden, Marie J.; Zaiser, Steve L.
Subject: HB 1246, Military Spouse Licensing Bill

Chairman Kasper and Members of the House Government and Veterans Affairs Committee—

You requested that I provide technical assistance on HB 1246, which provides occupational and professional licensing boards with flexibility when applying licensing standards to military spouses who move here from other states. The purpose of the bill is to assist military families with the frequent moves that military service often requires.

I provided a draft of the bill including several proposed amendments to the boards I represent, and I shared the draft with the other lawyers who also work with professional and occupational licensing. These amendments are intended to make the bill workable and clarify several ambiguities. The general consensus is that these changes will provide sufficient guidance to enable the boards to protect the public while exempting military spouses from strict compliance with every aspect of licensing laws. However, two boards are considering whether to request an exception.

I have attached a draft showing these amendments with explanatory comments regarding the changes. Please contact me if you cannot open the draft or if the Committee would like further assistance.



1246

Amendments.do...

Edward E. Erickson
Assistant Attorney General
State of North Dakota
Office of the Attorney General
600 E. Boulevard Ave.
Bismarck, ND 58505-0040
(701) 328-3536
FAX (701) 328-2226
TTY (800) 366-6888
eerickso@nd.gov

Introduced by

Representatives Meier, Becker, Grande, Rohr, Ruby, Steiner, Weisz

Senators Dever, J. Lee

1 A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota
2 Century Code, relating to occupational and professional licensure of military spouses; and to
3 amend and reenact section 43-51-01 of the North Dakota Century Code, relating to
4 occupational and professional licensure of military spouses.

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

6 **SECTION 1. AMENDMENT.** Section 43-51-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-51-01. Definitions.**

9 As used in this chapter, unless the context indicates otherwise:

- 10 1. "Board" means a board, commission, or other agency of state government
11 created or identified in this title to regulate a particular occupation or profession,
12 except for the:
- 13 a. The term does not include the:
 - 14 (1) State board of accountancy;
 - 15 b. (2) State electrical board;
 - 16 e. (3) North Dakota real estate appraiser qualifications and ethics board;
 - 17 d. (4) State real estate commission;
 - 18 e. (5) Secretary of state with respect to contractor licensing;
 - 19 f. (6) State board of medical examiners; and
 - 20 g. (7) State board of dental examiners.
 - 21 b. "Board" also includes any agency of state government which is created or
22 identified outside this title to regulate a particular occupation or profession
23 if the agency elects, by administrative rule, to invoke the authority in this
24 chapter.

- 1 2. "Foreign practitioner" means an individual who currently holds and maintains a
2 license in good standing to engage in an occupation or profession in a state or
3 jurisdiction other than this state and who is not the subject of a pending
4 disciplinary action in any state or jurisdiction.
- 5 3. "Good standing" means a foreign practitioner holds a current license that is not
6 issued on a temporary or restricted basis, is not encumbered or on probation,
7 and is not suspended or revoked.
- 8 4. "License" means a license, certificate, permit, or similar authorization to practice
9 an occupation or profession which is issued by a government agency in another
10 state or jurisdiction that imposes requirements for obtaining and maintaining a
11 license which are at least as stringent as the requirements imposed in this state
12 to obtain and maintain a license to practice the same profession or occupation.
- 13 5. "Military spouse" means a foreign practitioner who is the spouse of a member of
14 the armed forces of the United States or a reserve component of the armed
15 forces of the United States stationed in this state in accordance with military
16 orders or who was stationed in this state prior to temporarily being assigned to
17 duties outside of this state.
- 18 6. "Occupation or profession" means activity for which a license is required from a
19 board or similar activity for which a license is required in another state or
20 jurisdiction.

Comment [eee1]: At this point, I have not been able to determine whether military personnel who are assigned to another location temporarily are still considered to be stationed at the original location. This language will cover that issue.

21 **SECTION 2.** A new section to chapter 43-51 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Military spouses - Licensure.**

- 24 1. ~~Notwithstanding any other law to the contrary, a board shall issue a North Dakota~~
25 ~~license to a military spouse. A board shall adopt rules or shall grant on a case-~~
26 ~~by-case basis exceptions to the board's licensing standards to allow the a military~~
27 ~~spouse to practice the occupation or profession in the state if upon application to~~
28 ~~the board the military spouse:~~
- 29 a. ~~Demonstrates competency in the occupation or profession through~~
30 ~~methods or standards determined by the board which must include~~
31 ~~completion of applicable continuing education units and experience in the~~

Formatted: Not Strikethrough

Comment [eee2]: This language is taken from NDCC 43-51-11, which codified preexisting practice for boards to accommodate licensees who could not meet renewal requirements due to active duty service. This language provides the means for a board to accomplish the sponsors' goals.

Comment [eee3]: The word "methods" implies testing, by adding "standards" we include achievements or status such as having a degree in the pertinent field.

Comment [eee4]: Removed as unnecessary for a licensure applicant. Continuing education generally applies to renewals.

1 occupation or profession for at least two of the four years preceding the
2 date of application under this section; and

3 b. Pays any fees required by the board from which the applicant is seeking a
4 license; and

5 c. Any exception will not substantially increase the risk of harm to the public.

6 2. Under subsection 1, a board may issue a provisional license or temporary permit
7 to a military spouse who holds a license from a jurisdiction for which one or more
8 of the licensure requirements have not been met. A provisional license or
9 temporary permit issued under this subsection remains valid while the military
10 spouse is making progress toward satisfying the necessary unmet licensure
11 requirements. A military spouse may practice under a provisional license or
12 temporary permit issued under this subsection until any of the following occurs:

13 a. The board grants or denies the military spouse a North Dakota license
14 under subsection 1 or grants a North Dakota license under the traditional
15 licensure method;

16 b. The provisional license or temporary permit expires; or

17 c. The military spouse fails to comply with the terms of the provisional
18 license or temporary permit.

19 3. The boards exempted under subdivision a of subsection 1 of section 43 - 51 - 01
20 , or which may elect to be subject to this chapter under subdivision b of
21 subsection 1 of section 43-51-01 without need of election, may issue a license,
22 provisional license, or temporary permit to a military spouse in the same manner
23 as provided under subsections 1 and 2.

24 4. A military spouse issued a license under this section has the same rights and
25 duties as a licensee issued a license under the traditional licensure method.

Comment [eee5]: This sets a reasonable standard for a board's consideration when deciding upon exceptions.

Comment [eee6]: Subdivision 1 does not require a military spouse to have a license from another jurisdiction in order for to get a North Dakota license. If this language were retained, it would imply that an unlicensed military spouse could be granted a license but would not be able to receive a temporary license under this subdivision.

Comment [eee7]: The word "board" applies to all of the title 43 boards except for seven which are specifically exempted. However, boards or licensing agencies outside of title 43 may elect to come under this chapter by administrative rule. This change allows those boards outside of title 43 to use this statute without needing to adopt an administrative rule which places them under this chapter.

Attachments

13.0513.01001
Title.

Prepared by the Legislative Council staff for
Representative Meier
February 11, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1246

Page 3, line 12, after the underscored period insert "The state board of architecture and landscape architecture is exempt from the mandate in subsection 1; however, the board voluntarily may issue a license, provisional license, or temporary permit under subsections 1 and 2."

Renumber accordingly

House Bill 1246

Thank you Mr. Chairman and members of the committee. For the record, my name is Rep. Lisa Meier, of District 32.

HB 1246 will make it easier from for military spouses to get professional licenses when they move.

The reason why I think this still is so important is because every time a military spouse transfers from state to state no matter how many years of experience, they have to go through a process of gathering old transcripts, paying new fees, filling out a pile of paperwork, and sometimes taking entry-level classes.

It's a process that could take months and during that time, these military spouses can practice their profession, even though there are jobs in their new communities and companies desperate to hire them. That means their skills go unused while their families try to get by without income they need.

It means they are unable to advance in their careers they trained for, often for many years. Sometimes the hassle is simply too much and these spouses choose to quit the careers that they love and choose new ones that are more friendly to a military lifestyle.

This bill was brought to my attention by Dr. Connie Collanick, of the North Dakota Board of Nursing. It simply asks for temporary licensure for those who come to the state fully licensed from another state and an expedited process to obtain a state's license.

This bill no way decreases the level of education and skills or expectation or professionalism required to do the job.

So far, if we pass this legislation along with the 7 states that have pending legislation, only 20 states will not have passed legislation dealing with this important matter.

This concludes my testimony and I stand for any questions.

TITLE 43

Occupations and Professions

- CHAPTER 43-01 Abstracters
- CHAPTER 43-02 Accountants
 - CHAPTER 43-02.1 Public Accountancy Act
 - CHAPTER 43-02.2 Accountants
- CHAPTER 43-03 Architects and Landscape Architects
- CHAPTER 43-04 Barbers
- CHAPTER 43-05 Podiatrists
- CHAPTER 43-06 Chiropractors
- CHAPTER 43-07 Contractors
- CHAPTER 43-08 Dentists
- CHAPTER 43-09 Electricians
- CHAPTER 43-10 Funeral Service Practitioners
 - CHAPTER 43-10.1 Pre-Need Funeral Services
- CHAPTER 43-11 Cosmetologists
- CHAPTER 43-12 Nurse Scholarships and Loans
 - CHAPTER 43-12.1 Nurse Practices Act
 - CHAPTER 43-12.2 Medical Personnel Loan Repayment Program
- CHAPTER 43-13 Optometrists
- CHAPTER 43-14 Osteopaths
- CHAPTER 43-15 Pharmacists
 - CHAPTER 43-15.1 Wholesale Drug Distributors
 - CHAPTER 43-15.2 Legend Drug Donation and Repository Program
 - CHAPTER 43-15.3 Wholesale Drug Pedigree
 - CHAPTER 43-15.4 Veterinary Prescription Drugs
- CHAPTER 43-16 Photographers
- CHAPTER 43-17 Physicians and Surgeons
 - CHAPTER 43-17.1 Board of Medical Examiners Investigative Panels
 - CHAPTER 43-17.2 Physician Loan Repayment Program
- CHAPTER 43-18 Plumbers
 - CHAPTER 43-18.1 Water Conditioning Contractors and Installers
 - CHAPTER 43-18.2 Sewer and Water Installers
- CHAPTER 43-19 Professional Engineers
 - CHAPTER 43-19.1 Professional Engineers and Land Surveyors
- CHAPTER 43-20 Dental Hygienists and Assistants
- CHAPTER 43-21 Practical Nurses
- CHAPTER 43-22 Oil and Gas Brokers

CHAPTER 43-23 State Real Estate Commission
CHAPTER 43-23.1 Subdivided Lands Disposition Act
CHAPTER 43-23.2 Real Estate Education Fund
CHAPTER 43-23.3 Real Estate Appraisers
CHAPTER 43-23.4 Real Estate Broker Trust Accounts
CHAPTER 43-24 Land Surveyors
CHAPTER 43-25 Massage Therapists
CHAPTER 43-26 Physical Therapists
CHAPTER 43-26.1 Physical Therapists
CHAPTER 43-27 Watchmakers
CHAPTER 43-28 Dentists
CHAPTER 43-28.1 Dentists' Loan Repayment Program
CHAPTER 43-29 Veterinarians
CHAPTER 43-29.1 Veterinarian Loan Repayment Program
CHAPTER 43-30 Investigative and Security Services
CHAPTER 43-31 Detection of Deception Examiners
CHAPTER 43-32 Psychologists
CHAPTER 43-33 Hearing Aid Dealers
CHAPTER 43-34 Nursing Home Administrators
CHAPTER 43-35 State Board of Water Well Contractors
CHAPTER 43-36 Professional Soil Classifiers
CHAPTER 43-37 Audiologists and Speech-Language Pathologists
CHAPTER 43-38 Electrolgists and Electronic Hair Removal Technicians
CHAPTER 43-39 Athletic Trainers
CHAPTER 43-40 Occupational Therapists
CHAPTER 43-41 Social Workers
CHAPTER 43-42 Respiratory Care Practitioners
CHAPTER 43-43 Environmental Health Practitioners
CHAPTER 43-44 Dietitians and Nutritionists
CHAPTER 43-45 Addiction Counselors
CHAPTER 43-46 Peer Assistance Entity Agreements
CHAPTER 43-47 Counselors
CHAPTER 43-48 Clinical Laboratory Personnel
CHAPTER 43-49 Reflexologists
CHAPTER 43-50 Occupational Licensee Data base
CHAPTER 43-51 Professional and Occupational Licensing
CHAPTER 43-52 Interpreters
CHAPTER 43-53 Marriage and Family Therapy Practice
CHAPTER 43-54 Home Inspectors
CHAPTER 43-55 Professional Employer Organizations

CHAPTER 43-57 Integrative Health Care

CHAPTER 43-58 Naturopaths

CHAPTER 43-59 Music Therapists

Government and Veterans Affairs Committee

North Dakota Board of Nursing

HB 1246 Relating to Military Spouse Exemption

Chairman Dever and Vice Chairman Berry and members of the Committee. I am Dr. Constance B. Kalanek PhD, RN, Executive Director for the North Dakota Board of Nursing.

Thank you for the opportunity to provide information regarding the HB 1246 related to Military Spouse Exemption.

The Board of Nursing:

1. Licenses approximately:
 - 12, 261 Registered Nurses (RN)
 - 3,598 Licensed Practical Nurses (LPN)
 - 918 Advanced Practice Nurses (APRN)
 - 537 APRNs with Prescriptive Authority
 - 539 Unlicensed Assistive Personnel (UAP) and Technicians
2. Is a nine member board appointed by the governor.
3. Is a member of the Nurse Licensure Compact which encompasses 24 states.

The Board of Nursing supports HB 1246 Military Spouse Exemption. With that being said, the Board would like to offer the following information:

- Historically, the Board of Nursing has supported our military.
- For example, the Board has allowed early renewal if deploying prior to the renewal cycle and have waived continuing education requirements for licensees that were deployed and unable to complete the required contact hours.
- North Dakota adopted the Nurse Licensure Compact in 2004. The nurses that reside in one of the 24 states and claim a home state as primary state of residence can live here temporarily and not be licensed in North Dakota.
- The federal law and the Nurse Licensure Compact work great for the military but not for their spouses.
- July of 2012- 23 states have adopted pro-military spouse legislation. (I searched the web and the number has not changed).
- In a nutshell, what is being asked for is two-fold:
 - ✓ temporary licensure/permit for those who come to the state fully licensed from another state;

✓ an expedited process to obtain that state's license.

Thank you in advance for your support of HB 1246 and for your attention. I am now open for questions.

NORTH DAKOTA VETERANS COORDINATING COUNCIL

My name is John Jacobsen. I am a member of the Legislative Committee of the North Dakota Veterans Coordinating Council. The Coordinating Council is made up of 15 members, 3 from each of the five veterans' organizations in North Dakota.

American Legion

AMVETS

Disabled American Veterans

Veterans of Foreign Wars

Vietnam Veterans of America

It is the policy of the Coordinating Council to support legislation that will benefit the welfare of the members of the Armed Forces. The committee **MUST** concur totally, that is all 15 members must agree on the legislation to be supported or else it does not get the support.

In this case, I have been instructed to recommend to this legislative committee that a "DO PASS" on HB 1246 is supported as amended by the Veterans Coordinating Council.