

**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 amending K.S.A. 2022 Supp. 48-3406 and repealing the existing  
10 section.

11  
12 WHEREAS, The legislature recognizes that many working Americans,  
13 particularly military families, rely on a professional license for  
14 employment and that transferability of licensing between states has  
15 become expensive and time consuming; and

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

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

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

26 Now, therefore:

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

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

30 (1) "Applicant" means an individual who is a military spouse,  
31 military servicemember or an individual who has established or intends to  
32 establish residency in this state. "Applicant" with respect to law  
33 enforcement certification by the Kansas commission on peace officers'  
34 standards and training means an applicant who has met the employment  
35 requirement pursuant to K.S.A. 74-5605(a), and amendments thereto.

36 (2) "Complete application" means the licensing body has received all

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

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

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

18 ~~(4)~~(5) *"Military servicemember" means a current member of any*  
19 *branch of the United States armed services, United States military reserves*  
20 *or national guard of any state or a former member with an honorable*  
21 *discharge.*

22 ~~(5)~~(6) *"Military spouse" means the spouse of a military*  
23 *servicemember.*

24 ~~(6)~~(7) *"Private certification" means a voluntary program in which a*  
25 *private organization grants nontransferable recognition to an individual*  
26 *who meets personal qualifications and standards relevant to performing the*  
27 *occupation as determined by the private organization.*

28 ~~(7)~~(8) *"Scope of practice" means the procedures, actions, processes*  
29 *and work that a person may perform under a government issued license,*  
30 *registration or certification.*

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

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

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

42 (1) If the applicant qualifies under the applicable Kansas licensure,  
43 registration or certification by endorsement, reinstatement or reciprocity

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

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

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

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

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

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

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

43 (F) provides proof of solvency, financial standing, bonding or

1 insurance if required by the licensing body of this state, but only to the  
2 same extent as required of any applicant with similar credentials or  
3 experience;

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

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

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

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

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

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

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

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

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

42 (1) Holds a private certification and worked in a state that does not  
43 use an occupational license or government certification to regulate an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (q) This section shall not apply to the practice of law or the regulation  
16 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

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

26 (s) This section shall apply to all licensing bodies not excluded under  
27 subsection (q), including, but not limited to:

- 28 (1) The abstracters' board of examiners;
- 29 (2) the board of accountancy;
- 30 (3) the board of adult care home administrators;
- 31 (4) the secretary for aging and disability services, with respect to  
32 K.S.A. 65-5901 et seq. and ~~K.S.A. 65-6503 et seq.~~, and amendments  
33 thereto;
- 34 (5) the Kansas board of barbering;
- 35 (6) the behavioral sciences regulatory board;
- 36 (7) the Kansas state board of cosmetology;
- 37 (8) the Kansas dental board;
- 38 (9) the state board of education;
- 39 (10) the Kansas board of examiners in fitting and dispensing of  
40 hearing instruments;
- 41 (11) the board of examiners in optometry;
- 42 (12) the state board of healing arts, as provided by subsection (r);
- 43 (13) the secretary of health and environment, with respect to K.S.A.

1 82a-1201 et seq., and amendments thereto;

2 (14) the commissioner of insurance, with respect to K.S.A. 40-241  
3 and 40-4901 et seq., and amendments thereto;

4 (15) the state board of mortuary arts;

5 (16) the board of nursing;

6 (17) the state board of pharmacy;

7 (18) the Kansas real estate commission;

8 (19) the real estate appraisal board;

9 (20) the state board of technical professions, as provided by  
10 subsection (r); and

11 (21) the state board of veterinary examiners.

12 (t) All proceedings pursuant to this section shall be conducted in  
13 accordance with the provisions of the Kansas administrative procedure act  
14 and shall be reviewable in accordance with the Kansas judicial review act.

15 (u) Commencing on July 1, 2021, and each year thereafter, each  
16 licensing body listed in subsection (s)(1) through (21) shall provide a  
17 report for the period of July 1 through June 30 to the director of legislative  
18 research by August 31 of each year, providing information requested by  
19 the director of legislative research to fulfill the requirements of this  
20 subsection. The director of legislative research shall develop the report  
21 format, prepare an analysis of the reports and submit and present the  
22 analysis to the office of the governor, the committee on commerce, labor  
23 and economic development of the house of representatives, the committee  
24 on commerce of the senate, the committee on appropriations of the house  
25 of representatives and the committee on ways and means of the senate by  
26 January 15 of the succeeding year. The director's report may provide any  
27 analysis the director deems useful and shall provide the following items,  
28 detailed by applicant type, including military servicemember, military  
29 spouse and non-military individual:

30 (1) The number of applications received under the provisions of this  
31 section;

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

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

34 (4) the average time between receipt of the application and  
35 completion of the application;

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

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

42 All information shall be provided by the licensing body to the director  
43 of legislative research in a manner that maintains the confidentiality of all



1 applicants and in aggregate form that does not permit identification of  
2 individual applicants.

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

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