



PROFESSIONAL  
CERTIFICATION  
COALITION

March 12, 2021

Senator Larry Alley, *Chair*  
Senate Committee on Federal and State  
Affairs  
300 SW Tenth Avenue  
Kansas State Capitol, Room 136-E  
Topeka, KS 66612-1504  
[Larry.Alley@senate.ks.gov](mailto:Larry.Alley@senate.ks.gov)

Senator Richard Hilderbrand, *Vice Chair*  
Senate Committee on Federal and State  
Affairs  
300 SW Tenth Avenue  
Kansas State Capitol, Room 445-S  
Topeka, KS 66612-1504  
[Richard.Hilderbrand@senate.ks.gov](mailto:Richard.Hilderbrand@senate.ks.gov)

**Re: H.B. 2066**

Dear Senator Alley and Senator Hilderbrand:

The Professional Certification Coalition (PCC) writes regarding H.B. 2066, which provides for licensing reciprocity and for alternative pathways to Kansas licensure for unlicensed individuals based on work experience and/or private credentials. The PCC writes to urge amendments to H.B. 2066 to ensure that Kansas residents can rely on Kansas's occupational licensing agencies to protect against granting licenses to unqualified individuals.

The PCC is a nonprofit association formed to address legislation that affects professional certification programs, those who hold private certification credentials, and the many constituencies that rely on professional certification. The PCC's organizational members include non-governmental professional certification organizations, professional societies, and service providers. The PCC's members reflect a wide spectrum of professions, including health care, engineering, financial services, and information technology, among many others. Our founding organizations – the American Society of Association Executives (the leading organization for association management) and the Institute for Credentialing Excellence (the leading developer of accreditation standards for professional certification programs) – govern the PCC.

The PCC supports reducing unnecessary barriers for licensed professionals who move to a new state. However, not all state-specific requirements are unwarranted: substantive state-specific licensing requirements protect the public from unqualified or unethical practitioners and uphold the integrity of licensed professions as a whole. Moreover, not all state licensure requirements are interchangeable or equivalent and not all privately issued credentials or work experience can provide assurances of competency or qualifications that would be equivalent to Kansas's licensing laws.

As reflected in the attached Statement of Principles, the PCC urges the legislature to avoid treating all licensure grants as equivalent, and amend H.B. 2066 as necessary to reflect the following six principles:

1. **Require further profession-specific action by licensing agencies, rather than automatically providing sweeping recognition of all out-of-state licenses.**
2. **Require the licensing agency/board to make an initial assessment of whether licenses in other jurisdictions are, in fact, equivalent in standards and scope of practice.**
3. **Permit reciprocal licensure as a general matter only if there is substantial similarity between the requirements, knowledge, and scope of practice for two jurisdictions.**
4. **Condition reciprocity on joint oversight of the licensee, as well as communication and mandatory reporting between the in-state and out-of-state licensing agencies.**
5. **Grant alternative pathways to licensure for unlicensed out-of-state applicants only if the applicant demonstrates at least substantially equivalent educational, training, examination, credentials, and experience as are required of in-state applicants.**
6. **Consider whether residency requirements are warranted to qualify for reciprocal licensure.**

Consistent with these principles, the PCC proposes the following amendments to H.B. 2066:

- While H.B. 2066 authorizes granting a reciprocal license only if the licensing board first determines substantial equivalence of scopes of practice, it does not require that qualification standards be equivalent.
  - Amend K.S.A. 2020 Supp. 48-3406(c)(2)(A) to provide for reciprocal licensure if the applicant “Holds a valid current license, registration, or certification in another state, district, or territory, of the United States with licensure, registration, or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state **and mandate substantially equivalent or more stringent educational, training, examination, and experience requirements**, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state **and mandate substantially equivalent or more stringent educational, training, examination, and experience requirements.**”
- H.B. 2066 permits work experience and/or a private certification to substitute for other substantive evidence of skills or competency if the applicant’s home state does not require licensure. There is no requirement that the individual’s qualifications meet or exceed the required qualifications for licensure in Kansas. There is also no assurance that the prior work experience was not marked by misconduct or negligent practice.
  - K.S.A. 2020 Supp. 48-3406(e) and (f) should be amended to add a new requirement for licensure, with new Subsections (e)(4) and (f)(6): “**demonstrates at least substantially equivalent educational, training, examination, and**

**experience as are required of Kansas licensees in the occupation, as determined by the occupational board.”**

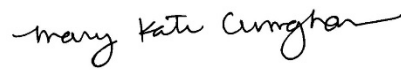
- H.B. 2066 refers to private certification, but with no requirement that occupational boards determine that the private certification an individual holds, in fact, demonstrates qualifications sufficient to show that the individual meets established standards for knowledge, competency, and skill in the profession. Further, H.B. 2066 adopts a definition of private certification that defers entirely to the credentialing decision of the private organization, with no measure of how the certification relates to recognized standards in the profession; there is nothing to prevent companies from setting themselves up as credential mills without substance.
  - Amend K.S.A. 2020 Supp. 48-3406(f)(1) to read “Holds a private certification **determined by the occupational board to demonstrate at least substantial equivalency with the qualifications of a Kansas licensee in the occupation,** and worked in a state that does not use an occupational license or government certification to regulate an occupation, but this state uses an occupational license or government certification to regulate the occupation.” This would protect against bogus or flimsy certification programs being used as a substitute for licensure. At the same time, for licensed professions in Kansas that condition licensure on private certification, this provision would provide a pathway to reciprocal licensure for any out-of-state individual who holds that certification and who is not required to be licensed in their home state.

The PCC members view these principles as important both to protect the public and because reciprocity bills directly affect PCC members that credential professionals in regulated occupations, such as health care. In many of these occupations, licensure statutes and regulations make certification by recognized private certification organizations a condition of licensure. Certification organizations exist to establish standards of knowledge and skill for a profession, and to assure the public that certified individuals have demonstrated that they are qualified to practice their professions competently and safely. If, due to variations in licensing laws, reciprocal licensure allows unqualified or unfit individuals to practice, the public’s trust in such certified professionals and their respective regulated professions will be irreparably damaged, especially for occupations in which the public conflates certification status with licensure.

Further, even PCC members that issue certifications to individuals in fields that do not require licensure have an interest in this issue. Certification organizations – and professional societies that represent individuals who hold certification credentials – rely on the role of licensing agencies to protect the public. By their nature, they are also interested in upholding professional standards for knowledge, skills, conduct, and qualifications. If reciprocal licensure laws create loopholes that weaken how state licensing agencies enforce such standards, this is a matter of great concern to the certification community.

Thank you for your attention to these issues and consideration of the PCC’s views.

Sincerely,



Mary Kate Cunningham  
Senior Vice President, Public Policy  
ASAE: The Center for Association Leadership  
Phone: (202) 626-2787  
Email: [mcunningham@asaecenter.org](mailto:mcunningham@asaecenter.org)



Denise Roosendaal  
Executive Director  
Institute for Credentialing Excellence  
Phone: (202) 367-1165  
Email: [droosendaal@credentialingexcellence.org](mailto:droosendaal@credentialingexcellence.org)

CC: Representative Sean Tarwater, *Chair*  
House Committee on Commerce, Labor and Economic Development  
300 SW Tenth Avenue  
Kansas State Capitol, Room 151-S  
Topeka, KS 66612-1504  
[sean.tarwater@house.ks.gov](mailto:sean.tarwater@house.ks.gov)

Representative Martin Long, *Vice Chair*  
House Committee on Commerce, Labor and Economic Development  
300 SW Tenth Avenue  
Kansas State Capitol, Room 151-W  
Topeka, KS 66612-1504  
[martin.long@house.ks.gov](mailto:martin.long@house.ks.gov)



# PROFESSIONAL CERTIFICATION COALITION

## Current List of PCC Members

ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)	American Society of Civil Engineers (ASCE)	Commercial Real Estate Certification Institute
ABSA International: the Association for Biosafety and Biosecurity (ABSA)	American Speech-Language-Hearing Association (ASHA)	Commission for Case Manager Certification (CCMC)
Academy of Nutrition and Dietetics (AND)	American Traffic Safety Services Association (ATSSA)	Commission on Nurse Certification (CNC)
Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)	American Translators Association (ATA)	CompTIA
Alliance of Hazardous Materials Professionals	American Veterinary Medical Association (AVMA)	Community Association Institute (CAI)
American Association of Post-Acute Care Nurses (AAPACN)	APICS (formerly the American Production and Inventory Control Society)	Construction Management Association of America (CMAA)
American Association of Critical-Care Nurses (AACN)	Association for Financial Counseling & Planning Education (AFCPE)	Council of Engineering and Scientific Specialty Boards (CESB)
American Association of Neuromuscular & Electrodagnostic Medicine (AANEM)	Association for Financial Professionals (AFP)	Dental Assisting National Board (DANB)
American Association of Professional Landmen	Association of Surgical Technologists (AST)	Design-Build Institute of America (DBIA)
American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)	Behavior Analyst Certification Board (BACB)	Diving Equipment and Marketing Association (DEMA)
American Board of Certification for Gastroenterology Nurses (ABCGN)	Building Industry Consulting Service International (BICSI)	Entertainment Services and Technology Association (ESTA)
American Board of Neuroscience Nursing (ABNN)	Board of Certification/Accreditation (BOC)	ETA International (ETA)
American Board of Post-Acute and Long-Term Care Medicine (ABPLM)	Board of Certified Safety Professionals (BCSP)	Events Industry Council (EIC)
American Board of Foot and Ankle Surgery (ABFAS)	Board of Pharmacy Specialties (BPS)	Financial Planning Association (FPA)
American Board of Wound Management (ABWM)	Building Commissioning Certification Board (BCCB)	Hearth, Patio, & Barbecue Education Foundation
American Industrial Hygiene Association (AIHA)	CCIM Institute (issues the Certified Commercial Investment Member designation)	Heuristic Solutions
American Medical Certification Association (AMCA)	CFA Institute	Hospice and Palliative Credentialing Center (HPCC)
American Nurses Credentialing Center (ANCC)	Certification Board for Music Therapists (CBMT)	Institute for Credentialing Excellence (ICE)
American Payroll Association (APA)	Certification Board of Infection Control and Epidemiology (CBIC)	Institute of Certified Management Accountants (ICMA)
American Road & Transportation Builders Association Foundation (ARTBA)	Certification Council for Professional Dog Trainers	Institute of Hazardous Materials Management (IHMM)
American Society of Association Executives (ASAE)	Certified Financial Planner Board of Standards (CFP)	Institute of Internal Auditors (IIA)
	Certified Fund Raising Executive International (CFRE)	Inteleos (includes the American Registry for Diagnostic Medical Sonography (ARDMS) and the Alliance for Physician Certification & Advancement (APCA))
		Irrigation Association
		International Association of Healthcare Central Service Materiel Management (IAHCSMM)

International Association of Lighting Designers (IALD)  
International Certification & Reciprocity Consortium (IC&RC)  
International Coach Federation (ICF)  
International Foundation for Retirement Education (InFRE)  
International Society of Automation (ISA)  
Institute of Real Estate Management (IREM)  
International Information System Security Certification Consortium (ISC<sup>2</sup>)  
IT Certification Council (ITCC)  
Laborers' International Union of North America Training & Education Fund (LIUNA)  
Medical-Surgical Nursing Certification Board (MSNCB)  
National Association of Legal Assistants, Inc. (NALA)  
National Association of Insurance and Financial Advisors (NAIFA)  
National Association of Personal Financial Advisors (NAPFA)  
National Athletic Trainers' Association Board of Certification, Inc. (NATA)

National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)  
National Board of Certification in Hearing Instrument Sciences (NBC-HIS)  
National Kitchen and Bath Association (NKBA)  
National Board of Certification in Occupational Therapy (NBCOT)  
National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)  
National Certification Board for Diabetes Educators (NCBDE)  
National Certification Corporation (NCC)  
National Commission on Certification of Physician Assistants (NCCPA)  
National Commission for Health Education Credentialing  
National Council on Family Relations (NCFR)  
National Recreation and Park Association (NRPA)  
National Restaurant Association (NRA)  
National Roofing Contractors Association (NRCA)

National Society of Professional Engineers (NSPE)  
Nephrology Nursing Certification Commission  
Oncology Nursing Certification Corporation  
Professional Association of Therapeutic Horsemanship International (PATH)  
Pediatric Nursing Certification Board (PNCB)  
Pharmacy Technician Certification Board (PTCB)  
PSI Services  
Pearson Vue  
QualityPro  
School Nutrition Association (SNA)  
SeaCrest Consulting  
Security Industry Association  
Society of Broadcast Engineers (SBE)  
Specialty Pharmacy Certification Board (SPCB)  
Spray Polyurethane Foam Alliance (SPFA)  
Towing and Recovery Association of America, Inc. (TRA)



## **Statement of Principles for Universal Licensure Recognition and Reciprocity**

The PCC supports the objective of reducing unnecessary barriers to entry to practice for licensed professionals who move to a new state. Not all state-specific licensure requirements are unwarranted, however. In their current form, many universal licensing bills may undermine protections for the public by adopting a one-size-fits-all approach to universal licensure and by exempting out-of-state applicants from establishing that they possess the same qualifications as in-state applicants.

### *Background:*

Occupational licensing laws operate as the gatekeepers to licensed professions: they establish the standards of education, training, and testing required to practice in a specific field. The purpose of licensing laws is to protect the public from unqualified or unethical practitioners, but opponents of licensing contend that the administrative and financial burdens of complying with licensing laws also limit opportunities to earn a living. Moreover, as each state independently establishes its own licensing laws, requirements vary by location; as a result, professionals must apply for a license each time they relocate across state borders. This can impose significant costs in time and money. Critics of state-specific licensure laws argue that, rather than protecting the public from unqualified practitioners, they primarily serve to insulate in-state professionals from out-of-state competition and are unnecessary barriers to practice for professionals who already hold a license in their field from another state.

In response, some states have adopted universal licensure recognition—or licensing reciprocity—and recognize a valid out-of-state license as sufficient for a professional to practice in their state, subject to additional conditions such as residency and background checks. Initially, this practice was largely restricted to specific interstate agreements or to populations with special circumstances. Many states now grant reciprocal licensure or temporary permits to military spouses who move into the state due to their spouse's change of duty assignment.<sup>1</sup> The COVID-19 pandemic national emergency has also led some states to enact reciprocal or accelerated licensing provisions for some professions.<sup>2</sup>

Recently, some states have enacted more expansive universal licensure bills, and many more such bills have been introduced. Unlike profession-specific reciprocal licensing state compacts, these bills generally apply to any licensing authority in the state, with limited exceptions. Some bills provide only for reciprocal licensure to applicants holding an occupational license granted by

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<sup>1</sup> See <https://www.veterans.gov/milspouses/>.

<sup>2</sup> See, e.g., <https://www.fsmb.org/siteassets/advocacy/pdf/state-emergency-declarations-licensure-requirements-covid-19.pdf> and <https://www.aanp.org/advocacy/state/emergency-state-licensure-covid-19-response>.

another state.<sup>3</sup> Other bills go further and authorize granting licenses to applicants based on work experience and/or private certification credentials, if the applicant's home state does not require a license to practice the occupation.

*Criteria for Responsible Legislation:*

The PCC urges state legislatures considering universal licensure bills to take into account the following key principles in order to ensure sufficient safeguards remain in place to protect the public and uphold the integrity of substantive licensure requirements.

**The PCC supports universal or reciprocal licensure laws that:**

- 1. Require further profession-specific action by licensing agencies, rather than automatically providing sweeping recognition of all out-of-state licenses.**
  - a. The level of oversight required to protect the public varies between licensed professions, and not all licensed professions merit the same level of reciprocity. For example, state licensing laws for some professions require licensees to demonstrate state-specific substantive knowledge (e.g., state Bar exams for lawyers<sup>4</sup> and California's requirement that all California-licensed engineers demonstrate knowledge about seismic strengthening for projects including retrofitting<sup>5</sup>). For other professions, licensing laws may have uniform requirements adopted by every state, such as in professions that require all licensees to have passed a national certification exam or to have completed specialized training.
  - b. State agencies should seek input from relevant, industry-specific stakeholders on the potential positive and negative consequences of universal licensure.
- 2. Require the licensing agency make an initial assessment of whether licenses in other jurisdictions are, in fact, equivalent in standards and scope of practice.**
  - a. The requirements to get licensed in a profession can vary widely between states. Depending on the profession, state licensure requirements may include different elements or differing levels of requirements for formal education, training, practical experience, national certification, verification of prior disciplinary or criminal conviction history, and character examinations.
  - b. Differences in licensing requirements across states cannot be broadly written off as bureaucratic red tape. Often, variance in licensing requirements corresponds

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<sup>3</sup> Arizona became the first state to adopt universal licensure when H.B. 2569 was signed into law on April 10, 2019. Under A.R.S. § 32-4302, Arizona will issue a license to new residents with a current, out-of-state license in the licensed profession, if the out-of-state licensee is in good standing, has been licensed for at least a year, and has passed a criminal background check. Montana, New Jersey, and Pennsylvania have passed similar statutes.

<sup>4</sup> See, e.g., [https://www.ncbex.org/pdfviewer/?file=%2Fassets%2FBarAdmissionGuide%2FCompGuide2020\\_021820\\_Online\\_Final.pdf#page=40](https://www.ncbex.org/pdfviewer/?file=%2Fassets%2FBarAdmissionGuide%2FCompGuide2020_021820_Online_Final.pdf#page=40).

<sup>5</sup> See [https://www.bpelsg.ca.gov/pubs/consumer\\_guide.pdf](https://www.bpelsg.ca.gov/pubs/consumer_guide.pdf).

with differences in the scope of practice a license permits. For example, in several states, licensed pharmacy technicians may administer immunizations, but also are subject to related training requirements associated with vaccinations.<sup>6</sup> In many other states, however, pharmacy technicians are not authorized to administer immunizations and therefore may not have received the relevant training.<sup>7</sup>

- c. Different states also have varying substantive prerequisites for licensure or renewal of licensure for some professions. For example, states vary as to whether passage of a national certification exam is required for licensure as a dental assistant,<sup>8</sup> and not all states require current certification for renewal of licensure as a physician assistant.<sup>9</sup>

**3. Permit reciprocal licensure as a general matter only if there is substantial similarity between the requirements, knowledge, and scope of practice for two jurisdictions.**

- a. Subject to limited and temporary exceptions, as for national emergencies and military spouses, state agencies should be authorized to grant reciprocal licensure only if the out-of-state license reflects an assurance of comparable qualifications and authorizes the full scope of practice granted by the in-state licensing law. Otherwise, in a race to the bottom, less qualified individuals could apply for initial licensure in states with less stringent requirements and rely on a universal licensure law to bypass the licensure conditions that other states have determined should be required for protection of the public.
- b. States with stricter licensing requirements should consider adopting bridging requirements that would enable licensed practitioners from other states to have an abbreviated path to licensure, by establishing that they have met the additional qualifications of that state.

**4. Condition reciprocity on joint oversight of the licensee, as well as communication and mandatory reporting between the in-state and out-of-state licensing agencies.**

- a. Licensees subject to pending disciplinary proceedings should not be granted reciprocal licensure until the proceedings are resolved. Mobility between states should not be a means to evade disciplinary oversight by a licensing board, even if a license in one state expires.
- b. Individuals granted reciprocity should be jointly subject to the new and old state licensing agencies' enforcement authority and rules.

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<sup>6</sup> See, e.g., [https://dopl.utah.gov/pharm/vaccine\\_administration\\_protocol.pdf](https://dopl.utah.gov/pharm/vaccine_administration_protocol.pdf).

<sup>7</sup> See <https://www.pharmacist.com/article/pharmacy-technicians-gear-immunize>.

<sup>8</sup> See <https://www.ada.org/en/education-careers/careers-in-dentistry/dental-team-careers/dental-assistant/education-training-requirements-dental-assistant>.

<sup>9</sup> See <https://www.aapa.org/download/19739/>.

**5. Grant alternative pathways to licensure for unlicensed out-of-state applicants only if the applicant demonstrates at least substantially equivalent educational, training, examination, credentials, and experience as are required of in-state applicants.**

- a. Prior work experience is not a substitute for examination-based or certification credentials, as it does not establish competency or skill. Similarly, not all private certifications are equivalent. There is no basis to presume that an unlicensed individual holding an unspecified private certification credential possesses equivalent qualifications as in-state licensed professionals hold, unless that private certification is a condition of licensure in the state.
- b. Requiring unlicensed out-of-state applicants to demonstrate substantive qualifications that are at least comparable to those required of in-state applicants would protect against bogus or flimsy certification programs being used as a substitute for licensure. At the same time, for licensed professions that condition licensure on private certification, accepting that certification from out-of-state applicants can provide an alternative pathway to universal licensure that still safeguards the public.

**6. Consider residency requirements.**

- a. State legislatures should consult with licensing agencies and industry stakeholders to determine whether intent to relocate should be a requirement for granting reciprocal licensure.