**The Breaking Down Barriers to Work Act**

**Section 1. This Act may be referred to as the “Breaking Down Barriers to Work Act.”**

**Section 2. {Definitions}.**

            A.  ”Occupational Licensing Board” shall be broadly construed to include the state, all agencies, boards, departments, units of state government and all subdivisions of the state that regulates a lawful occupation and issues an occupational or professional license to an individual.

            B.  “Occupational license” is an authorization in law that allows an individual to engage in an occupation, trade, or profession or use an occupational title.

            C.  “Scope of practice” means the procedures, actions, processes and work that a person may perform under an occupational license issued in this state.

**Section 3. {Recognition of Occupational Licensure.}**Notwithstanding any other law, an occupational or professional license shall be issued by an occupational licensing board, in the discipline applied for and at the same practice level as determined by the occupational licensing board to: a person who establishes residence in this state, a member of the armed forces of the United States, or a person who is married to or is a dependent of a member of the armed forces of the United States if the member receives military orders for a change of station to a military installation located in this state or if the member has established this state as his or her state of legal residence as reflected in the member’s military record, if all of the following apply:

            A.  The person holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board in this state;

            B.  The person has held the occupational license in the other state for at least one year;

            C.  The board in the other state required the person pass an examination, or to meet education, training or experience standards;

            D.  The board in the other state holds the person in good standing;

            E.  The person does not have a disqualifying criminal record as determined by the board in this state under state law;

            F.  No board in another state revoked the person’s occupational license because of negligence or intentional misconduct related to the person’s work in the occupation;

            G.  The person did not surrender an occupational license because of negligence or intentional misconduct related to the person’s work in the occupation in another state;

            H.  The person does not have a complaint, allegation or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If the person has a complaint, allegation or investigation pending, the board in this state shall not issue or deny an occupational license to the person until the complaint, allegation or investigation is resolved, or the person otherwise satisfies the criteria for licensure in this state to the satisfaction of the board in this state; and

            I.  The person pays all applicable fees in this state.

**Section 4. {Decision.}**  The board will provide the person with a written decision regarding the application for an occupational license within 60 days after receiving an application.

**Section 5. {Appeal.}**

            A.  The person may appeal the board’s decision to a court of general jurisdiction.

            B.  The person may appeal the board’s:

                        1.  denial of an occupational license;

                        2.  determination of the occupation;

                        3.  determination of the similarity of the scope of practice of the occupational license issued; or

                        4.  other determinations under this chapter.

            C.  The court shall determine all questions of law all, including the interpretation of a constitutional or statutory provision or a rule adopted by a board, without regard to any previous determination that may have been made on the question in any action before the board.

**Section 6. {Limitations.}**

            A.  An occupational license issued pursuant to this chapter is valid only in this state.  It does not make the person eligible to be work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.

            B.  Nothing in this chapter shall be construed to prevent this state from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country.

            C.  Nothing in this chapter shall be construed to prevent this state from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization or other entity.

            D.  Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual.

**Section 7. {Military Education, Training, and Experience.}** Notwithstanding any other law, the education, training or experience requirements for an occupational license issued pursuant to this title are completely or partially satisfied, as determined by the regulating occupational licensing board on presentation of satisfactory evidence that the applicant received substantially equivalent education, training or experience as a member of the United States armed forces or any national guard or other reserve component.

**Section 8. {Public notice.}** An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board’s website: “Pursuant to the Breaking Down Barriers to Work Act, upon application, this state may recognize occupational licenses obtained from others states for residents who relocate to this state and military members and their families on orders in this state.”

**Section 9. {Preemption.}** This chapter preempts laws of any city, town, municipality, county and other subdivisions of the state which regulate occupational licenses.