



## LB263

### Universal Recognition: Frequently Asked Questions

#### Quick Facts:

- **Arizona, Montana, Pennsylvania, Missouri, Utah, Iowa, New Jersey, and Idaho** have enacted reforms extending universal recognition to most occupations. **Ohio, Louisiana, Indiana, and Mississippi** have passed laws that apply universal recognition to military spouses.
- At least ten other states will have legislation introduced similar to LB263 in granting broad universal recognition: **Alaska, Massachusetts, Michigan, Nevada, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming**.
- Fewer than 30 occupations are licensed in all 50 states. The recognition of work experience and private certification ensures all skilled professionals have a pathway to licensure free of duplicative training and testing requirements, regardless of whether their former state licensed the occupation.
- Universal recognition does **NOT** delicense any profession.
- Universal recognition does not guarantee a job; it merely provides opportunity.

#### 1) What is universal recognition?

Universal recognition is a pro-growth policy that recognizes out-of-state occupational licenses based on the training or testing requirements a licensed applicant has already completed. It does not delicense any profession; rather, it eliminates costly, time-intensive, and often unnecessary barriers to work.

#### 2) Who is qualified to receive a license with universal recognition?

Only licensed professionals who have held a license for one year in good standing and were required to pass an examination or complete education, training, or experience requirements to obtain that license are eligible to receive a license under universal recognition. Veterans and service members who received a military occupational specialty during their service are also eligible under the terms of LB263. If a worker comes from a state that doesn't license their occupation, they would be eligible for licensure with at least three years of experience if their occupation had a similar scope of practice.

### **3) Why should Nebraska adopt universal recognition?**

As our country's workforce becomes increasingly mobile, professionals have more choices than ever about where to build their lives and careers. Occupational licenses are often obtained at great personal and financial expense. Many professionals take great pride in the investment they have made to work in their field of choice. Rather than require skilled professionals to interrupt their careers to invest more time and more money to continue work they've already been doing elsewhere, Nebraska can signal that we choose to welcome workers with a red carpet, not red tape. By eliminating hurdles, we can help new arrivals get back to work faster so they can continue to support their families, grow their careers, and contribute to their communities. Licensing reform not only benefits workers and their families but is a boon for employers and consumers in our state who will benefit from the increased options and price competition that accompany an influx of skilled labor.

### **4) Is universal recognition bipartisan reform?**

Universal recognition has a history of bipartisan success. Across the country, universal recognition laws passed through legislatures with strong—sometimes unanimous--support from Republicans and Democrats alike. Senior leadership at the Department of Defense, military spouse support organizations, and administrations at the state and federal level, from President Obama to President Trump, have identified onerous licensing hurdles as an element ripe for reform to improve the lives of service members, military spouses, and other professionals.

### **5) What about the protection of public health and safety?**

Universal recognition benefits licensed professionals who are safely and productively working in their fields while preventing bad actors from slipping through the cracks. Only licensed professionals in good standing are qualified to receive a license under universal recognition. A person whose license is not in good standing or has a disqualifying criminal record is not eligible. Further, an applicant who has surrendered his or her license or had it revoked for negligence or misconduct in any state is not eligible. When an applicant has a complaint, allegation, or investigation pending in the originating state, Nebraska's boards are empowered to determine if the matter has been resolved to their satisfaction.

### **6) Does universal recognition lower the bar for testing or training?**

Universal recognition lowers barriers to work, not the bar for testing or training. State-to-state licensing requirements can vary by hundreds of hours of training. The on-the-job training overcomes any difference between Nebraska's licensing qualifications and those of the out-of-state license during the one year of work experience received by the applicant before eligibility under this reform. Further, some states may require a licensee to pass one test, while another state may require three tests to work in the same occupation. If a skilled professional has completed qualifications in one state and has been safely and productively working in a field with a similar scope of practice, additional testing is unnecessary.

**7) What is "scope of practice," and what role does it play in universal recognition?**

Scope of practice refers to the procedures, actions, processes, and work that a person may perform under an occupational license or government certification issued in a given state. The regulating board of Nebraska determines the scope of practice for a specific license. Universal recognition allows for a license to be issued to an out-of-state applicant only if the state's licensing board determines that the license applied for covers a similar scope of practice as the license currently held by the applicant. Suppose the board determines that the applicant's license does not cover a similar scope of practice as the license they are applying for; in that case, it can deny the license or require the applicant to complete additional training.

**8) Who determines if an out-of-state license has a similar "scope of practice?"**

Nebraska's relevant occupational licensing board determines if an out-of-state occupational license covers a similar scope of practice as the board's in-state license.

**9) Why does this bill prioritize "scope of practice" over "substantially similar" or "substantially equivalent" training or experience standards, as some states have introduced?**

The use of "scope of practice" as a critical feature empowers the licensing boards in Nebraska to focus on whether an individual has already been approved to perform similar duties under their out-of-state license. It offers a more consistent approach to assessing an applicant's ability to perform the duties of the license they seek. Education, training, and testing can vary significantly from state to state: indeed, some states don't even require licenses for certain occupations, much less education, training, or testing. Under universal recognition, boards have clear direction on what they are empowered to consider. They no longer need to devote unnecessary time to comparing education or training requirements across all 50 states. Applicants are no longer required to duplicate testing or training (aside from jurisprudential specific testing).

"Substantially similar" or "substantially equivalent" language is typically used concerning education or training requirements. It can allow a board to deny licenses to licensed applicants who are already working in the field but whose state has chosen to require different standards, or perhaps no license at all. In most cases, a person cannot receive a full license until they have completed the new state's additional education or training requirements, adding time and cost to the process. Instead, boards should recognize that the applicant's on-the-job experience far outweighs any difference between training hours. While an applicant must have passed a licensing test or have completed education, training, or experience requirements, their state's requirement should not be used against them.

**10) Why recognize work experience and private certification as a pathway to licensure?**

Fewer than 30 occupations are licensed in all 50 states. As such, there will undoubtedly be cases where an individual may arrive in Nebraska having worked in a professional field in a state where an occupational license was not required. Rather than discount the time and experience of that professional, universal recognition offers a pathway to help states manage the real-world implications of state-to-state regulatory inconsistencies. If a person has been safely working in a lawful application with a similar scope of practice for at least three years, they are eligible to receive a license at the same practice level. Suppose a person holds a private certification in good

