

REFERENCE TITLE: state compact; temporary professional licenses

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1184

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 55;
RELATING TO PROFESSIONAL LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 55, to read:

4 CHAPTER 55

5 TEMPORARY LICENSURE OF PROFESSIONALS

6 ARTICLE 1. GENERAL PROVISIONS

7 41-5601. Temporary licensure of professionals compact

8 THE INTERSTATE COMPACT FOR THE TEMPORARY LICENSURE OF PROFESSIONALS
9 IS ADOPTED AND ENACTED AS FOLLOWS:

10 SECTION I. PURPOSE

11 THE PURPOSE OF THIS COMPACT IS TO:

12 1. ALLOW MEMBER STATES TO EXPEDIENTLY GRANT A TEMPORARY LICENSE TO
13 ELIGIBLE LICENSEES MOVING TO THEIR STATE.

14 2. ALLOW ELIGIBLE LICENSEES MOVING TO A MEMBER STATE TIME TO MEET
15 THE LICENSURE REQUIREMENTS OF THE DESTINATION STATE WHILE PRACTICING THEIR
16 OCCUPATION.

17 3. INCREASE THE MOBILITY OF PROFESSIONAL LICENSES, SAFEGUARD THE
18 HEALTH AND SAFETY OF THE PUBLIC, AND ENHANCE THE WORKFORCE IN MEMBER
19 STATES.

20 SECTION II. DEFINITIONS

21 IN THIS COMPACT:

22 1. "APPLICANT" MEANS A NATURAL PERSON WHO HAS SUBMITTED AN
23 APPLICATION TO A MEMBER STATE FOR A TEMPORARY LICENSE.

24 2. "BACKGROUND CHECK" INCLUDES A CRIMINAL BACKGROUND INVESTIGATION
25 AND A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

26 3. "DESTINATION STATE" MEANS THE MEMBER STATE IN WHICH A TEMPORARY
27 LICENSE IS SOUGHT.

28 4. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

29 5. "MILITARY SPOUSE" MEANS A PERSON WHOSE SPOUSE IS A MEMBER OF THE
30 UNITED STATES ARMED FORCES AND IS ON ACTIVE DUTY AND STATIONED IN THE
31 DESTINATION STATE.

32 6. "PROFESSIONAL LICENSE" OR "LICENSE" MEANS ANY STATE ISSUED
33 CREDENTIAL THAT AUTHORIZES A NATURAL PERSON TO WORK IN A GIVEN PROFESSION,
34 WHICH WOULD BE UNLAWFUL WITHOUT THE AUTHORIZATION OF A STATE LICENSING
35 AUTHORITY.

36 7. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
37 THE UNITED STATES.

38 8. "TEMPORARY LICENSE" MEANS AN UNRESTRICTED LICENSE GRANTED BY A
39 MEMBER STATE TO AN ELIGIBLE PROFESSIONAL THROUGH THE PROCESS SET FORTH IN
40 THE COMPACT.

41 9. "UNRESTRICTED LICENSE" MEANS A LICENSE THAT IS NOT CONDITIONED
42 ON THAT PARTICULAR LICENSEE'S AGREEMENT TO LIMIT THE SCOPE OF THE
43 LICENSEE'S PROFESSIONAL WORK OR TO ENGAGE IN ADDITIONAL REQUIREMENTS OR
44 PROTOCOLS SPECIFIC TO THAT LICENSEE.

1 SECTION III: CONTENTS OF APPLICATION AND FEES
2 A. AN APPLICATION FOR A TEMPORARY LICENSE SHALL INCLUDE ALL OF THE
3 FOLLOWING:
4 1. THE APPLICANT'S FULL NAME.
5 2. A LIST OF ALL STATES IN WHICH THE APPLICANT HOLDS A PROFESSIONAL
6 LICENSE.
7 3. A STATEMENT BY THE APPLICANT THAT THE APPLICANT:
8 (a) HOLDS A VALID, FULL AND UNRESTRICTED LICENSE IN A MEMBER STATE.
9 (b) IS IN GOOD STANDING, AS SET FORTH IN SECTION IV, WITH EVERY
10 OTHER STATE IN WHICH THE INDIVIDUAL IS LICENSED.
11 B. THE LICENSING AUTHORITY MAY REQUEST IDENTIFYING INFORMATION SUCH
12 AS AN APPLICANT'S DATE OF BIRTH, SOCIAL SECURITY NUMBER OR STATE LICENSE
13 NUMBER. THE DESTINATION STATE'S LICENSING AUTHORITY MAY CHARGE FEES
14 COMPARABLE TO OTHER FEES CHARGED BY THAT LICENSING AUTHORITY.
15 SECTION IV: ISSUANCE OR NONISSUANCE OF TEMPORARY LICENSE
16 A. AN APPLICANT SEEKING A TEMPORARY LICENSE SHALL SUBMIT A COMPLETE
17 APPLICATION TO THE LICENSING AUTHORITY OF THE DESTINATION STATE. THE
18 LICENSING AUTHORITY OF THE DESTINATION STATE, OR ITS AGENT, SHALL ISSUE
19 THE TEMPORARY LICENSE WITHIN THIRTY DAYS OF RECEIPT OF A COMPLETE
20 APPLICATION UNLESS IT DETERMINES THAT THE APPLICANT:
21 1. DOES NOT POSSESS A VALID, FULL AND UNRESTRICTED LICENSE ISSUED
22 BY A MEMBER STATE.
23 2. IS NOT IN GOOD STANDING IN ALL STATES IN WHICH THE APPLICANT IS
24 LICENSED.
25 3. IS INELIGIBLE DUE TO A DISQUALIFYING RECORD IDENTIFIED DURING A
26 BACKGROUND CHECK.
27 B. AN APPLICANT IS CONSIDERED TO BE IN GOOD STANDING WITH A STATE
28 LICENSING AUTHORITY IF THE LICENSEE IS NOT UNDER ACTIVE INVESTIGATION, HAS
29 NOT BEEN THE SUBJECT OF AN UNFAVORABLE DETERMINATION IN A DISCIPLINARY
30 ACTION TWO YEARS BEFORE THE DATE OF THE APPLICATION AND HAS NO PENDING
31 DISCIPLINARY ACTIONS BEFORE THE AUTHORITY.
32 C. A LICENSING AUTHORITY MAY ONLY CONDUCT A BACKGROUND CHECK IF IT
33 IS OTHERWISE AUTHORIZED TO DO SO. BASED ON THE RESULTS OF A BACKGROUND
34 CHECK, A LICENSING AUTHORITY MAY FIND AN APPLICANT INELIGIBLE FOR A
35 TEMPORARY LICENSE ONLY IF IT WOULD SIMILARLY FIND AN APPLICANT FOR A
36 REGULAR LICENSE INELIGIBLE. AN APPLICANT WHO FAILS TO MEET THE NECESSARY
37 REQUIREMENTS SHALL BE ISSUED A PROMPT INELIGIBILITY LETTER FROM THE
38 LICENSING AUTHORITY OF THE DESTINATION STATE OR ITS AGENT. ANY APPLICANT
39 FOUND TO BE INELIGIBLE MAY APPEAL THE DETERMINATION PURSUANT TO CHAPTER 6,
40 ARTICLE 10 OF THIS TITLE.
41 SECTION V: DUTIES OF MEMBER STATES
42 A. ON REQUEST, EACH MEMBER STATE SHALL PROVIDE ANOTHER MEMBER STATE
43 WITH THE FOLLOWING INFORMATION WITHIN TEN DAYS:
44 1. WHETHER A LICENSEE POSSESSES A VALID, FULL AND UNRESTRICTED
45 LICENSE.

1 2. WHETHER A LICENSEE IS IN GOOD STANDING AS SET FORTH IN
2 SECTION IV.

3 B. A DESTINATION STATE MAY NOTIFY A MEMBER STATE WHEN THE
4 DESTINATION STATE GRANTS A TEMPORARY LICENSE BASED ON AN INDIVIDUAL'S
5 LICENSURE WITHIN THAT MEMBER STATE. IF SO NOTIFIED, THE MEMBER STATE
6 SHALL PROMPTLY INFORM THE DESTINATION STATE IF IT TAKES ADVERSE ACTION
7 AGAINST SUCH LICENSEE.

8 SECTION VI: OPT OUT

9 ANY MEMBER STATE MAY DECLINE TO AFFORD RECIPROCITY TO ACTIVE
10 LICENSEES FROM ANOTHER MEMBER STATE FOR A PARTICULAR OCCUPATION BY
11 ENACTING LEGISLATION FINDING THAT THE REQUIREMENTS FOR SUCH LICENSES IN
12 THE RELEVANT MEMBER STATE ARE INADEQUATE TO PROTECT THE PUBLIC HEALTH AND
13 SAFETY.

14 SECTION VII: TERMS OF TEMPORARY LICENSE

15 THE TEMPORARY LICENSE SHALL BE FOR A TERM OF EIGHTEEN MONTHS UNLESS
16 THE APPLICANT IS A MILITARY SPOUSE. IF THE APPLICANT IS A MILITARY SPOUSE
17 THE TEMPORARY LICENSE SHALL BE FOR A TERM OF TWO YEARS. A TEMPORARY
18 LICENSE IS NONRENEWABLE EXCEPT THAT ANY MEMBER STATE MAY DECIDE TO MAKE
19 TEMPORARY LICENSES FOR ANY OR ALL OCCUPATIONS RENEWABLE BY STATUTE. AN
20 INDIVIDUAL HOLDING A TEMPORARY LICENSE IS AUTHORIZED TO WORK AS A LICENSED
21 PROFESSIONAL IN THE DESTINATION STATE CONSISTENT WITH ALL APPLICABLE LAWS
22 AND REGULATIONS OF THE DESTINATION STATE AND THE LICENSURE AUTHORITY THAT
23 ISSUED THE TEMPORARY LICENSE.

24 SECTION VIII: JURISDICTION OVER LICENSES

25 AN INDIVIDUAL WHO IS ISSUED A TEMPORARY LICENSE BY A DESTINATION
26 STATE AUTOMATICALLY SUBMITS TO THE JURISDICTION OF THE LICENSING AUTHORITY
27 OF THE DESTINATION STATE. OTHER MEMBER STATES, HOWEVER, RETAIN
28 JURISDICTION TO IMPOSE ADVERSE ACTION AGAINST THEIR OWN LICENSEES.

29 SECTION IX: STATE LAW SUPERSEDED

30 ALL MEMBER STATES' LAWS, EXCEPT FOR STATE CONSTITUTIONS, ARE
31 SUPERSEDED BY THE INTERSTATE COMPACT FOR THE TEMPORARY LICENSURE OF
32 PROFESSIONALS TO THE EXTENT OF A CONFLICT. THE OPTION OF TEMPORARY
33 LICENSURE THAT THIS COMPACT CREATES IS INTENDED TO COEXIST WITH THE OPTION
34 OF PERMANENT LICENSURE THAT MAY BE CREATED BY OTHER INTERSTATE LICENSING
35 COMPACTS SPECIFIC TO A PROFESSION, AND WHENEVER POSSIBLE THIS COMPACT
36 SHOULD BE INTERPRETED SO AS TO IMPLY NO CONFLICT BETWEEN IT AND ANY OTHER
37 LICENSING COMPACT. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO LIMIT
38 THE ABILITY OF A LICENSING AUTHORITY TO ISSUE A LICENSE PURSUANT TO A
39 STATE OR FEDERAL LAW THAT ALLOWS FOR ISSUANCE OF LICENSES IN A MORE
40 EXPEDITED MANNER.

41 SECTION X: EFFECTIVE DATE

42 ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE. THE COMPACT SHALL
43 BECOME EFFECTIVE AND BINDING ON LEGISLATIVE ENACTMENT OF THE COMPACT INTO
44 LAW BY NO LESS THAN TWO STATES. THE INITIAL EFFECTIVE DATE SHALL BE THE
45 LATER OF JULY 1, 2018, OR ON THE DATE THE LAW IS ENACTED IN THE SECOND

1 JURISDICTION TO JOIN THE COMPACT. THEREAFTER IT SHALL BECOME EFFECTIVE
2 AND BINDING AS TO ANY OTHER MEMBER STATE ON THE DATE THE LAW BECOMES
3 ENACTED IN THAT STATE.

4 SECTION XI: WITHDRAWAL

5 ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY SPECIFICALLY
6 REPEALING THE STATUTE THAT ENACTED THE COMPACT INTO LAW. THE EFFECTIVE
7 DATE OF THE WITHDRAWAL IS THE EFFECTIVE DATE OF THE REPEAL. TEMPORARY
8 LICENSES ISSUED BY THE MEMBER STATE BEFORE THE WITHDRAWAL DATE SHALL NOT
9 BE AFFECTED BY WITHDRAWAL.

10 SECTION XII: INSUBSTANTIAL DIFFERENCES

11 THE VALIDITY OF THIS COMPACT SHALL NOT BE AFFECTED BY ANY
12 INSUBSTANTIAL DIFFERENCES IN ITS FORM OR LANGUAGE AS ADOPTED BY ANY MEMBER
13 STATE.