

Landon State Office Building
900 SW Jackson St, Ste 507
Topeka, KS 66612-1275



Phone: (785) 296-3053
Fax: (785) 296-0167
<https://ksbtp.ks.gov>

Larry G. Karns, Executive Director

Laura Kelly, Governor

Senate Commerce Committee

Testimony by the Larry Karns, Executive Director, Kansas State Board of Technical Professions
Senate Bill 137

Chairperson Senator Olsen and Members of the Committee,

I am Larry Karns, Executive Director of the Kansas State Board of Technical Professions.

The Board licenses professional engineers, geologists, surveyors, and building and landscape architects. Their mission is to protect the health, safety, property and welfare of the people of Kansas by ensuring that only properly educated, tested and experienced individuals are licensed to practice these scientific and highly technical professions. The Board accomplishes this mission by ensuring that these professional activities are performed only by individuals who meet the qualifications prescribed by the state's statutes and regulations.

SB 137 and its counterpart Substitute for HB 2066 are referred to as bills to expedite and ease licensing for members of the military but in fact these bills go well beyond assisting the military. As written, they reduce licensing standards for anyone intending to move to Kansas.

Under existing law our board has in place robust reciprocal licensing for qualified professionals from other states. Of the nearly 30,000 technical professionals we license nearly one half are non-residents. Residency is not required. What is required is compliance with the minimum standards established for these professions by Kansas statutes. Many Kansas licensees are licensed in other states. States where they are required to meet that states' licensing standards.

Kansas statutes (KSA 74-7019 for Architects, KSA 74-7020 for Landscape Architects, KSA 74-7021 for Engineers, KSA 74-7023 for Surveyors and KSA 74-7041a for Geologists) list the Kansas minimum qualifications for each of these learned professions.

Lack of compliance with the Kansas minimum licensing standards is where SB 137 (and Substitute for HB 2066) is concerning. The bill mandates that licensing boards issue permits to fully practice to any individual licensed in another state but whose licenses is found to be not of a similar scope of practice as a Kansas license. In essence, the bill



Larry G. Kams, Executive Director

Laura Kelly, Governor

mandates that persons who do not meet Kansas minimum qualifications nevertheless be licensed. Only persons whose out of state licenses were issued based on substantially equivalent qualifications as those mandated for licensure in Kansas should be allowed to practice in out state.

The only check and balance, for all but one agency under the bill, is that a license can be denied only if the licensing body determines on specific facts that issuing the license would endanger the public. This provision does not provide sufficient protection against licensing unqualified individuals. An agency can compare similar qualifications to determine if it is advisable to grant a license. Showing that to issue a license will endanger the public is altogether different and much higher standard.

The Board of Healing Arts in subsections (s) and (t) of the bill is granted more leeway. They can, for the various medically related professions they license, deny a license or temporary permit if the out of state license held by the applicant is not “substantially equivalent” to a license issued by that board.

This is a reasonable provision which is needed to protect the public for the types of professions they license and should also be included as the standard for the highly technical and precise professions licensed by the Board of Technical Professions. Kansans need to know the structures, roads and products they use every day are designed by fully qualified professionals.

The requirement of issuing temporary licenses to fully practice to an applicant pending the applicant’s obtaining full Kansas qualifications, a mandate under the bill, is concerning. Particularly for those in the technical professions we regulate. Meeting Kansas minimum required educational, testing and experience technical requirements take years to obtain. Different states have different educational, experience and testing requirements. For example, some states do not require degrees from accredited schools. The Kansas minimum requirements apply to residents and students graduating from Kansas universities. Schools that do meet the required high accreditation standards. Allowing individuals from out of state who may move to Kansas to practice without meeting the same or substantially similar requirements would put in place two different standards for licensing. One for Kansans and one for others. Standards which have withstood the test of time and that until now have been considered necessary to protect our citizens. Why suddenly are some now not held to the same standards.

Meeting Kansas minimum standards or substantially equivalent standards protects both Kansas professionals and the public in professions where consumers rely on licensing credentials to make—

Larry G. Kams, Executive Director

Laura Kelly, Governor

informed choices. This is particularly true for professions licensed by the Board of Technical Professions, professions that require advanced knowledge in science, mathematics and other higher degrees of academic training.

Other states licensing statutes and pending bills retain substantially equivalent language to evaluate qualifications. The bills in Kansas, with only one exception, do not allow Kansas licensing agencies to use the substantially equivalent standard. Examples from other states are:

OKLAHOMA: HB 2873 Section 2 B. 1 .provides: “ The out of state applicant is a person who is currently licensed or certified by another state with similar scope of work through similar or equivalent licensure or certification standards of examination, minimum education requirements and , if applicable, professional work experience...”.

MISSOURI: HB 1511 and 1452 section 3 provides: “The oversight body in this state shall: (1) Within six months of receiving an application ...if it determines that the licensing requirements in the jurisdiction that issued the applicant’s license are substantially similar or more stringent than the licensing requirements in Missouri “.

ARIZONA: 32-4302 provides: This section does not prevent a regulating entity under this title from entering into a reciprocity agreement...except that the agreement may not allow out of state licensees ...to obtain a license ...in this state if the applicant has not met standards that are substantially equivalent to or greater than the standards required in this state ...”.

WASHINGTON: HB 1401 provides: “The procedure must include a process for licensing ...if...the requirements for licensure ...of such other state are substantially equivalent to that required in Washington”.

REQUESTED AMENDMENT:

To protect both our citizens and the licensed professionals in Kansas the Board of Technical Professions requests an amendment to the bill to include the Board of Technical Professions with the Board of Healing Arts in the provisions of subsection (s) and subsection (t) which allow the Board of Healing Arts to deny an application for licensure or the granting of temporary permits to fully practice pending satisfaction of missing qualifications if the board determines the applicant’s qualifications are not substantially equivalent to those established by the board.

This amendment is needed when an out of state applicant, although perhaps holding a license or certification issued by another state, does not hold substantially equivalent qualifications as required for technical licensure in Kansas.

Landon State Office Building
900 SW Jackson St, Ste 507
Topeka, KS 66612-1275



Phone: (785) 296-3053
Fax: (785) 296-0167
<https://ksbtp.ks.gov>

Larry G. Karns, Executive Director

Laura Kelly, Governor

As an additional amendment, the board requests that the mandate to issue temporary permits to any applicant whose license is not similar in scope in subsection (i) line 32 of the Substitute for House Bill (and which may be included the Senate version SB 137 if amended to mirror the house bill) be changed, from “shall” issue to” may” issue. The term “may” was the language in the House bill last year for the licensing of non-military applicants but that language has been changed to in Substitute for HB 2066 to “shall” license now for any applicant.

I would like to thank you for your time today. I hope the information I have provided is helpful to the committee. I would be please to respond to any questions you may have at this time.

Larry G. Karns, Executive Director