

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-152—sHB 6449
Public Health Committee

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY

SUMMARY: This act generally makes it easier for health care professionals and various tradespeople and other professionals licensed in other states to obtain a Connecticut credential if they reside here. It does so by generally requiring the Department of Public Health (DPH) or Department of Consumer Protection (DCP) to issue the appropriate license or other credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person meets specified experience and background requirements (e.g., has no disciplinary history). It allows DPH or DCP, as applicable, to deny a credential if the commissioner finds it to be in the state's best interest.

The act specifies that, for certain professions, the DCP commissioner may deny a license, or issue one under a consent order with conditions that an applicant must meet, if the applicant reports that he or she has been found guilty or convicted of a felony under Connecticut or federal law at the time of the application, or of an offense under the laws of another jurisdiction that would be a felony under Connecticut law (see **BACKGROUND**). This authority applies to several categories of professions, including electricians; plumbers; solar, heating, piping, and cooling contractors; elevator or fire protection sprinkler craftsmen; irrigation contractors; gas hearth installer contractors; residential stair lift technicians; sheet metal contractors; automotive glass and flat glass work contractors; and journeyman licenses for several such professions. The act also eliminates a requirement that applicants for these licenses demonstrate good moral character.

The act requires the DPH commissioner to (1) convene working groups to determine whether Connecticut should join any interstate licensure compacts and (2) report to the Public Health Committee on the groups' recommendations by January 15, 2022.

It also requires the DPH commissioner to report on whether it would be in the state's best interest to (1) replace any state exams for DPH-credentialed professionals with tests by national organizations that DPH deems acceptable and (2) reduce any experience and training requirements while increasing testing of applicants' knowledge or skills. She must report to the Public Health Committee by January 15, 2022, and develop the report in consultation with whatever boards or commissions she deems appropriate.

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Lastly, the act requires various state agencies, by January 1, 2022, to report to the Office of Policy and Management (OPM) secretary on certain information related to background checks.

EFFECTIVE DATE: October 1, 2021, except that the DPH reporting and working group provisions are effective July 1, 2021.

§§ 1 & 4 — DPH AND DCP CREDENTIALING

Existing law provides for licensure by endorsement (also called licensure without examination) for several categories of health care professionals who are licensed in other states. Generally, this applies if DPH determines that the other state's licensure standards are substantially similar to, or higher than, those of this state. Similar provisions apply for certain DCP-credentialed professions.

The act generally requires DPH or DCP, as applicable (see below for affected professions), to issue an occupational or professional license, permit, certification, or registration (hereinafter, "credential") to a state resident, or an accompanying spouse of an active duty service member permanently stationed here, if that person:

1. holds a valid credential in the applicable profession in at least one other U.S. jurisdiction;
2. (a) for DPH, has practiced under that credential for at least four years, or (b) for DCP, has at least four years of experience, including practice under that credential, classroom education, and on-the-job training;
3. (a) is in good standing in all U.S. jurisdictions where credentialed and (b) has no disciplinary history (including credential revocation or other discipline; pending complaints, allegations, or investigations related to unprofessional conduct; or voluntary surrender of a credential during an investigation);
4. satisfies any background or character and fitness check required of other applicants;
5. for state residents, passes an examination, or part of one, required of other applicants (the applicable agency has the option to require this for military spouses); and
6. pays any credentialing fees required of other applicants.

Also, for state residents, the act requires the person to provide a current driver's license, utility bill, lease agreement, or property deed indicating proof of state residency.

The act creates an exception to the first two requirements (holding a credential and having at least four years of experience as described above) for certain DCP applicants relocating from states that do not require a credential to practice the occupation or profession. The act deems these applicants as satisfying these requirements if (1) at least 25 states do not require the credential and (2) the applicant establishes to DCP's satisfaction that he or she has four or more years of related work experience with a substantially similar scope of practice within the five years before the application date.

Under the act, the agency issuing the credential determines the practice level

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of the credential. The act specifies that anyone issued a credential under these provisions is subject to Connecticut law and DPH or DCP jurisdiction as applicable.

The act also allows DPH or DCP to deny an application if the commissioner finds it to be in the state's best interest.

Applicability

The act's DPH provisions apply to all DPH-credentialed professions (e.g., physicians, nurses, dentists, physical therapists, emergency medical services personnel, veterinarians, sanitarians, and many others).

For DCP, the act applies to the following professions: public accountants, architects, professional engineers and land surveyors, real estate brokers and salespersons, television and radio service dealers and electronics technicians, landscape architects, interior designers, new home construction contractors, swimming pool contractors, home improvement contractors, community association managers, home inspectors, real estate appraisers, public service gas technicians, pharmacists, pharmacy technicians, pharmacy interns, hypnotists, homemaker-companion agencies, and locksmiths.

§ 2 — INTERSTATE LICENSURE COMPACT WORKING GROUPS

The act requires the DPH commissioner to convene working groups to determine whether the state should join any interstate licensure compacts. The groups must convene by August 30, 2021.

The groups must include:

1. the DPH commissioner, the OPM secretary, the Office of Health Strategy executive director, and the chair of the appropriate examining or advisory board, or their designees;
2. a representative of the appropriate state professional association;
3. a representative of the professional assistance program for regulated health professions (i.e., HAVEN); and
4. anyone else the DPH commissioner deems appropriate.

By January 15, 2022, the commissioner must report to the Public Health Committee on the groups' recommendations. The working groups end when she submits her report.

§ 6 — AGENCY REPORTING ON BACKGROUND CHECKS

By January 1, 2022, the act requires the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to the OPM secretary on certain information related to background checks. Their reports must include:

1. the number of employees who perform background checks related to the department's or office's licensing functions, their job classifications, and

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- the background checks' type or level of clearance;
- 2. the average number of hours these employees spend weekly performing background checks; and
- 3. for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training.

The recommendations must also (1) assess the feasibility of centralizing and standardizing background checks state agencies perform and (2) address any related issues of these agencies delegating authority.

BACKGROUND

Felony Conviction and Credentials

With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, trade, profession, or business that requires a state credential solely because of a prior criminal conviction (CGS § 46a-80).

State agencies may deny someone a credential to practice an occupation, trade, profession, or business after considering (1) the nature of the crime and its relationship to the job; (2) information pertaining to the degree of the person's rehabilitation; and (3) how much time has passed since the person's conviction or release.