

HOUSE BILL REPORT

HB 1889

As Reported by House Committee On:
Consumer Protection & Business

Title: An act relating to allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

Brief Description: Allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

Sponsors: Representatives Walen, Taylor, Leavitt, Slatter, Ramel, Duerr, Ryu, Ramos, Bateman, Reeves, Reed, Ormsby, Callan, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Mena, Goodman, Thai, Santos, Hackney, Pollet, Fosse, Davis and Senn.

Brief History:

Committee Activity:

Consumer Protection & Business: 1/9/24, 1/26/24 [DPS].

Brief Summary of Substitute Bill

- Provides eligibility for certain professional and commercial licenses, certifications, permits, and registrations for various professions for persons not lawfully present in the United States.
- Permits applicants for licensure, certification, or registration to provide an Individual Taxpayer Identification Number in lieu of a Social Security number.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Walen, Chair; Reeves, Vice Chair; Chapman, Donaghy, Hackney, Ryu and Santos.

Minority Report: Do not pass. Signed by 4 members: Representatives Robertson,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Connors and Volz.

Staff: Megan Mulvihill (786-7304).

Background:

Professional Licensure, Certification, and Registration.

Many professions require a person to be licensed, registered, or certificated in order to practice their chosen profession. The Department of Licensing (DOL) regulates certain businesses and professions, each of which has a separate set of laws. Some businesses and professions are under the authority of the Director of the DOL, whereas others are regulated by a board or commission charged with regulating that particular business or profession. Business professions regulated under the DOL include real estate brokers; accountants; architects; auctioneers; cosmetologists, barbers, manicurists, and estheticians; contractors; debt adjusters; engineers and surveyors; escrow agents; landscape architects; water well contractors; plumbers; embalmers and funeral directors; camping resort operators and salespersons; commercial telephone solicitors; driver training schools and instructors; employment agencies; for-hire vehicle operators and limousine drivers; notaries; professional boxers, martial artists, and wrestlers; scrap metal processors, recyclers and suppliers; travel agents; timeshare salespersons; whitewater river outfitters; home inspectors; collection agents; body artists, tattoo artists, and body piercers; geologists; fire protection sprinkler fitters; private investigators; bail bond agents; security guards; and art dealers.

The Professional Educator Standards Board is responsible for establishing and enforcing rules determining eligibility for certification of kindergarten through grade 12 personnel, including teachers, school counselors, school psychologists, school social workers, and paraeducators.

The Department of Financial Institutions regulates the licensing of money transmitters and currency exchangers.

The Uniform Disciplinary Act (UDA) provides a legal and policy framework for the regulation and oversight of health care providers by the relevant disciplining authorities for each health care profession. Disciplining authorities may deny an application for licensure or grant a license with conditions under certain circumstances. Responsibilities in the disciplinary process are divided between the Secretary of Health and the 16 health profession boards and commissions according to the profession of which that health care provider is a member. Health professions regulated under the UDA include the following:

- dispensing opticians;
- midwives;
- ocularists;
- massage therapists;

- dental hygienists;
- acupuncturists;
- radiologic technologists;
- respiratory care practitioners;
- counselors and hypnotherapists;
- mental health counselors, marriage and family therapists, and social workers;
- nursing pool operators;
- nursing assistants;
- dietitians and nutritionists;
- substance use disorder professionals;
- sex offender treatment providers;
- emergency medical technicians;
- orthotists and prosthetists;
- surgical technologists;
- recreational therapists;
- animal massage therapists;
- athletic trainers;
- home care aides;
- genetic counselors;
- reflexologists;
- medical assistants;
- behavior analysts and technicians;
- music therapists;
- behavioral health support specialists;
- certified peer specialists;
- podiatric physicians and surgeons;
- chiropractors;
- dentists;
- hearing aid specialists, audiologists, speech-language pathologists;
- nursing home administrators;
- optometrists;
- osteopathic physicians and surgeons;
- pharmacists;
- physician assistants;
- physical therapists;
- occupational therapists;
- nurses;
- psychologists;
- veterinarians;
- naturopaths; and
- denturists.

Some professions require an applicant to be a United States citizen in order to qualify for licensure. Professions with specific United States citizenship requirements include

optometrists, notaries, private investigators, private security guards, bail bond agents, money transmitters, and currency exchangers.

Federal Law.

Under Title 8 U.S.C. Section 1621, a person not lawfully present in the United States is ineligible for any state or local public benefit unless they are either a qualified alien, a nonimmigrant under the Immigration and Nationality Act, or an alien who is paroled in the United States for less than one year. State or local public benefit is defined to include professional and commercial licenses. However, the federal code provides that a state may provide a person not lawfully present in the United States eligibility for a state or local public benefit through the enactment of a state law, which affirmatively provides for such eligibility.

Summary of Substitute Bill:

For businesses and professions regulated under the DOL, health care providers regulated by the UDA, and certificated kindergarten through grade 12 staff, an individual who is not lawfully present in the United States is eligible for a professional license, commercial license, certificate, permit, or registration as permitted by federal law, except for licenses associated with interstate compacts. A state agency or regulatory authority may not deny an application for a professional license, commercial license, certificate, permit, or registration solely on the basis of a person's immigration or citizenship status if the person has met all other qualifications. An applicant is permitted to provide an Individual Taxpayer Identification Number in lieu of a Social Security number on an application. State agencies and regulatory authorities may not disclose the Social Security number or Individual Taxpayer Identification Number of an applicant or licensee for any purpose except tax purposes, licensing purposes, and enforcement of an order for child support payments. A Social Security number or Individual Taxpayer Identification Number provided to a regulatory authority is confidential and exempt from disclosure under the Public Records Act.

For optometrists, notaries, bail bond agents, money transmitters, and currency exchangers, the requirement to be a United States citizen in order to qualify for licensure is removed.

Substitute Bill Compared to Original Bill:

The substitute bill recodifies the eligibility for licensure, certification, permits, and registration for professionals not lawfully present in the United States under a new chapter in Title 18, with references under the Uniform Regulation of Business and Professions Act and the Uniform Disciplinary Act for Health Professionals. This has the effect of applying to additional professions than were included originally. In addition, the substitute bill strikes the requirement that notaries have to be United States citizens, excludes interstate compacts, and modifies requirements for currency exchangers and money transmitters by

requiring these individuals to reside in the United States. Security guards, private investigators, and bail bond recovery agents are excluded from inclusion and have to be United States citizens in order to qualify for licensure. Lastly, the effective date is changed to July 1, 2024.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on July 1, 2024.

Staff Summary of Public Testimony:

(In support) There are incredibly diverse communities in Washington with people working from all over the world. People can live and work anywhere now, especially in the technology sector. Yet many of them have barriers to entering the workforce. People cannot work doing what they are qualified to do. If someone can pass rigorous standards and show that they are competent to deliver services, why does the state need to know about their federal documentation status? Many people and students have career dreams and want to support their community and families, yet there are unnecessary hurdles to jump through. There are unclear standards around professional licensure, and many licenses require a Social Security number. This change helps give students a reason to go to college and graduate if they know they can get the necessary license or credential to work in their dream field. Many young people drop out of college or do not even try to pursue a career because they feel discouraged about their prospects after college. There are workforce shortages, so the state should use the talent that already exists. There are qualified professionals ready to work in high demand jobs and contribute to the economy.

(Opposed) None.

Persons Testifying: Representative Amy Walen, prime sponsor; Daniel Gomez Nava and Aline Aguirre, Latino Community Fund; Maria Barrios, Angelita Cervantes, Nancy Cruz, and Eduardo Blancarte, Communities for Our Colleges; Paul Ryan Villanueva; Isela Bonilla, Associated Students of Washington State University Vancouver; Michelle Carrillo, Associated Students of Washington State University; Reese Ramirez, Associated Students of the University of Washington Tacoma; Stella Seth, Associated Students of Western Washington University; and Isaac Marroquin.

Persons Signed In To Testify But Not Testifying: None.