
Consumer Protection & Business Committee

HB 1889

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 and Reeves.

Brief Summary of 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.

Hearing Date: 1/9/24

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

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under the DOL include real estate brokers, accountants, architects, auctioneers, cosmetologists, barbers, manicurists, estheticians, contractors, debt adjusters, engineers and surveyors, escrow agents, landscape architects, water well contractors, plumbers, 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, 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 Bill:

For certain businesses and professions regulated under the DOL, health care providers regulated by the UDA and certificated K-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. 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 private security guards, private investigators, optometrists, bail bond agents, bail bond recovery agents, money transmitters, and currency exchangers, the requirement to be a United States citizen in order to qualify for licensure is removed.

Appropriation: None.

Fiscal Note: Requested on January 3, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.