

Professional Licensure: Moving Beyond Minimal Compliance

February 28, 2023



This presentation is being recorded.



Resources available on the MHEC website post-event.



Submit questions in the Q&A.



Please complete our survey.

Midwestern Higher Education Compact



Sara Appel
Director of M-SARA
saraa@mhec.org

Introductions



Nan Kalke, PhD

- Specialized accreditation
- Program and curriculum content alignment to external standards
- Ensure program operations meet quality assurance standards
- Licensure research



Kris Maul, JD

- Almost 15 years specializing in licensure
- Research, analysis and curriculum
- Compliance processes and systems
- Board communication and advocacy
- Student and graduate support



We will cover:

- **Review** of current federal and SARA requirements
- **Policy** and **process** considerations
- **Challenges and opportunities** of engaging in this work
- **Proposed** federal regulations and SARA policy changes
- **Resources and support** available through MHEC/M-SARA



Current Requirements



Institution Responsibility

Since July 1, 2020, Federal Title IV Regulations ([34 CFR 668.43](#)) and NC-SARA policy ([v. 22.1 § 5.2](#)) require:

- Understand
- Communicate



Institution Responsibility: Understand

Understand how licensure programs meet educational requirements for licensure in each state and U.S. territory.

- Applies to *all modes of delivery*
 - Physical campus, distance/virtual and hybrid

“No determination” used while completing the research and curriculum comparison work.

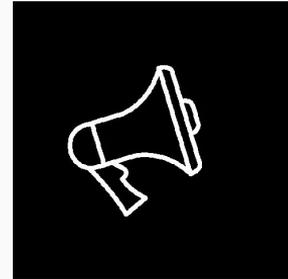
- SARA - Must make *all reasonable efforts* to determine.
- Note, during rule-making negotiators indicated that “no determination” should not be used indefinitely.



Communicate

Communicate licensure information to prospective and current students:
“Meet”, “does not meet”, or “no determination”

- *Public disclosures (website)*
 - All U.S. states/territories (59)
 - SARA-if “not determined” provide contact info
- *Individual direct disclosures (email)*
 - Student location is key
 - Before Enrollment if “no determination” or “does not meet”
 - 14 calendar days from change to “does not meet”



Additional Responsibilities - Dept of Veterans Affairs

[Final rule announced January 18, 2023, effective on February 17, 2023](#) (modifies [38 CFR 21](#)). Rule is not clear on how these requirements will apply to distance education programs. No additional information from VA or SAAs yet (that we are aware of).

- **Must meet all instructional curriculum licensure requirements**
- Plus additional Disclosures
 - *Publicly disclose in a prominent manner **any conditions or additional requirements, including training, experience, or examinations required to obtain the license, certification, or approval for which the program of education is designed to provide preparation.***

Note: These are similar to requirements listed in Section 1018 of the [Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020](#) (Public Law 116-315). In June 2022, VA announced that institutions using the College Financing Plan fulfill requirements (even though licensure information was not included in the College Financing Plan at that time).



Policy



Policy Considerations

How often will disclosures be reviewed/updated? Annually or at other intervals?
Specify the month, if possible.

- The month specified will impact when individual disclosures need to be sent out to current students if there is a change in determination to “does not meet” based on the 14-day requirement.
- *Build in time for your subject matter experts* to compare curricula to any changes to state/territory educational requirements.

When will individual disclosures will go out to prospective students?

- When does financial commitment occur?
- Do you already define enrollment?



[34 CFR 668.43\(c\)\(3\)\(ii\)](#) requires institutions to have a **written policy and documented process for establishing location of prospective students and students** that must be applied equally across all students/programs. Policy should have regular, frequent review and updates as needed.

Consider the following when creating your policy:

- How/when do students notify you of change in location? (i.e., relocation)
- How/when do you confirm location of students?
- State Authorization Reciprocity Agreement (SARA) considerations
- Consider asking prospective students where they intend to work after graduating and send disclosure for that location (in addition to current location)
- Include General Counsel, to assess risks of different approaches



Location Policy Examples

Example 1

For the purposes of professional licensure disclosure compliance, this institution determines student location and time of enrollment in the following ways:

- **“Student location” is defined as the permanent mailing address, or “Home” address, provided to the university by the student and stored in the student’s record. This definition applies to all students.**
- **“Time of Enrollment” is defined as the point at which students have been admitted to a program or major, but have not yet registered for courses in that program or major.**

Example 2

Institution will determine the location of a student for purposes of providing accurate professional licensure disclosures in the following way. The “Local Address” field within the university’s Student Information System (SIS) will be recorded as each student’s *location*. The university defines the Local Address as, **“A physical address where a student currently or will live and/or frequently stay during the time they will be taking classes for the upcoming term. It is a place of residence where someone would be most likely to find the student; where the student puts their head down at night.”**



Location Policy Examples

Example 3

Prospective student location

For the purpose of this policy, a prospective student's location is the state of the prospective student's residency at the time the student has applied for admission, intends to enroll and is then entered into the student record system. For students whose permanent address does not include a U.S. state or territory (e.g., students living outside the United States), their location will be considered the state of Minnesota.

Enrolled student location

The student location for enrolled students is the state where the enrolled student resides and is based on the permanent home address entered into the student record system. For students whose permanent address does not include a U.S. state or territory (e.g., students living outside the United States), their location will be considered the state of Minnesota.



Process



What work is required

In order to understand and communicate, institutions must:

- **Research educational requirements**
 - Statutes/regulations
 - Board/agency websites
 - Application materials
 - Reliable third-party sources
 - Communication with licensing Board/Agency
- **Compare to program**
 - Detailed course comparison, at times
- **Conclude if “meets” or “does not meet”**



How to do this work - Research

Educational Requirements vary across states/territories

Research includes finding and evaluating statutes/regulations/rules, Board websites (including application materials), and reliable third-party sources.

- Is specialized accreditation required or accepted?
- Internship/fieldwork experience (hours, face-to-face)
- Residency
- Total number of credits required (e.g., 48 or 60)
- Must all credits be within the degree program?
- Can course title indicate similar course content?
- Training required for initial licensure (CE or course)



Who should do this work

- Compliance Director
- Program Director
- Curriculum SMEs
- Provost/Registrar
- Systems Analyst/IT and Website Support
- Legal
- Enrollment and Admissions Leads
- Marketing
- External Expert, like HELP



Challenges and Opportunities



Challenges



- **Differences across states/territories for each license type**
 - Even for professions aligned to model acts and/or specialized accreditation!
- **Cannot rely on reciprocity or compacts for eligibility under current ED or SARA requirements.**
 - Must evaluate if program satisfies all educational requirements for initial license in each state/territory.
- **Unclear regulations and licensure disclosure requirements**
 - How long can “not determined” be used?
 - What is “all reasonable efforts” for SARA?



Challenges

- **Frequent changes** to license requirements and program curriculum
- **Limited time** and people power
 - 100-400+ hours for each program.
 - Most institutions offer more than 10, some over 30 different programs related to distinct licenses.
 - Expertise - Statutes/regulations difficult to interpret, contradictory information published, Board practice may not align with published requirements.

Cost

- Institutions* have estimated **\$22,000 per license type for initial research and \$11,000 each year for updates**, utilizing staff/faculty to complete research.

***Realigning Professional Licensure within the 21st Century**, Jennifer S. Lewis, Anne M. Klingen, & Kenneth M. Heard, III, NASASPS 2022 Annual Conference, Slide 50, accessed at <https://nasasps.org/wp-content/uploads/NASASPS2022-HeardLewisKlingen-Realigning-Professional-Licensure.pdf>



Opportunities

Knowing how all programs meet (or do not meet) educational requirements for licensure in each state/territory can:

- **Create new possibilities for enrollments**
 - Border states/online programs
- **Minimize risk to students**
 - Smoother pathway to license and employment in field
- **Reduce risks to the institution**
 - ED Title IV eligibility
 - GI Bill eligibility
 - Continued SARA participation
 - Some specialized accreditors are asking and reporting this information



Proposed Changes



Federal: ED Negotiated Rulemaking (Jan-March 2022)

The [last Department proposal](#) included:

More Responsibility for Institutions

§ 668.14(b)(32) *In each State in which the institution is located or in which students enrolled by the institution are located, the institution must ensure that each program— (ii) Satisfies the applicable educational prerequisites for professional licensure or certification requirements in the State so that a student who completes the program and seeks employment in that State qualifies to take any licensure or certification exam that is needed for the student to practice or find employment in an occupation that the program prepares students to enter.*

Removing “not determined” option for Public Disclosures

§ 668.43 *Institutional information. (a) Institutional information that the institution must make readily available to enrolled and prospective students under this subpart includes, but is not limited to - * * * (5) The academic program of the institution, including - (v) If an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, a list of all States where the institution offers the program and where the program meets such requirements and a list of all States where it does not meet such requirements.*

Note: Individual Direct Disclosures were not addressed in ED’s proposal.



Federal: ED Next Steps

Negotiated Rulemaking Process

1. Public Notice
 2. Select Negotiators
 3. Department proposes regulations
 4. Conduct first meeting of Negotiators
 5. Negotiate between and during meetings
 6. The Goal: Consensus
 7. Negotiators vote at final meeting
 - No consensus reached on this issue
- (Certification)

7.5 CURRENTLY HERE – *Office of Management and Budget review for economic impact

8. Publish proposed regulations - anticipated April 2023

(min. 30 day public comment period)

8.5 Possible OMB review

9. Publish final regulations

Calendar considerations for Title IV

-Publish final by November 1 to be effective following July 1 for new aid year



SARA Policy: Proposed Changes

Current SARA Policy 5.2

Programs leading to Professional Licensure SARA has no effect on state professional licensing requirements. Any institution approved to participate in SARA that offers courses or programs designed to lead to professional licensure or certification or advertised as leading to licensure must satisfy all federal requirements for disclosures regarding such professional licensure programs under 34 §C.F.R. 668.43. For SARA purposes, these requirements will also apply to non-Title IV institutions.

*For SARA purposes, institutions that are unable, **after all reasonable efforts**, to determine whether a program will meet state professional licensure requirements shall provide the student or applicant with current contact information for any applicable licensing boards, and advise the student or applicant to determine whether the program meets requirements for licensure in the state where the student is located.*

Proposals submitted through new Policy Modification Process for 5.2

- Remove “all reasonable efforts” language. (MHEC and University of Michigan)
- Adding an exception for educator/teacher programs. (James Madison University)



SARA Policy: Timeframe

~~Initial Submission Deadline~~

~~2/3/2023~~

Public Forum Date 1

3/1/2023

Amendment Period 1 Start Date

3/2/2023

Amendment Period 1 End Date

4/5/2023

Public Comment Period Start Date

4/17/2023

Public Comment Period End Date

5/17/2023

Public Forum Date 2

6/7/2023

Amendment Period 2 Start Date

6/8/2023

Regional Compact Review Deadline

9/1/2023

NC-SARA Board Review Start Date

10/23/2023

NC-SARA Board Review End Date

10/25/2023



Resources and Support



Additional MHEC Resources and Support - Guide



**MIDWESTERN
HIGHER EDUCATION
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YOUR GUIDE TO LICENSURE DISCLOSURE IMPLEMENTATION

You are ready to dig into licensure and ensure your institution is providing this critical information to students, while complying with Title IV regulations and SARA policy.

But what, exactly are the requirements and how to best tackle this time-consuming, complicated work?

This guide will help you and your team create and implement effective licensure disclosures.



STEP 1: UNDERSTAND

Determine which programs

- Designed or advertised for licensure
- Applies to all learning modalities

Research educational requirements in all U.S. jurisdictions

- Find board/agency website
 - Review statutes / regulations / rules, application forms, any FAQs
- Use reputable third-parties, such as professional associations, to confirm/clarify
- Some licensing boards/agencies may be willing and able to answer specific questions
- You may discover program approval is required by a board/agency, especially if clinical experiences are offered in their jurisdiction

Compare your program to jurisdiction requirements

- For some license types, you will need to complete an in-depth curriculum comparison (courses, possibly to the assignment level and field experience/ internships)
- Although rare, a licensing board may evaluate your out-of-state program for a small fee -- take advantage of these opportunities

Conclude if "meets" or "does not meet" all educational requirements

- Under SARA policy, disclosure can indicate "not determined" after "all reasonable efforts" are made to determine if "meets"



Create a process to review and update on a regular basis (annual aligns with other Title IV disclosure timing)

STEP 2: COMMUNICATE

PUBLIC DISCLOSURE

Create a specific webpage for public disclosures

- Indicate "meets," "does not meet" or "not determined" for each jurisdiction
- Includes contact information for board/agency if "not determined" and instruct prospective student to contact the board/agency

INDIVIDUAL DIRECT DISCLOSURE

Student location policy

- Documented policy defining location
- Each institution determines own policy
- Consider:
 - How/when do students notify you if their location changes
 - How/when do you confirm location of students

Create email or other written communication process for prospective & current students

- Send to each prospective student based on location
- When to send:
 - Prior to enrollment (defined as completed registration reqs except for payment of tuition & fees) if "does not meet" or "not determined"
 - Within 14 calendar days for current student if changes to "does not meet"
- Helpful but not required:
 - Send to all prospective students, even if "meets"
 - Collect receipt acknowledgment through application or enrollment agreement



Additional MHEC Resources and Support - Guide

OVERVIEW



All SARA participating institutions must understand how their programs meet educational requirements for licensure in all 59 U.S. jurisdictions, and communicate that information to various audiences at specific times as outlined in Title IV regulation. SARA extends the Title IV requirements to all SARA participating institutions. State regulations and Federal Misrepresentation regulations can also impact licensure disclosures.

The Department of Education has proposed changes to the Title IV requirements as part of Negotiated Rulemaking. Proposed changes would expand an institution's responsibilities, requiring Program Participation Agreement certification that each program meets licensure requirements in every jurisdiction where the students are located, in addition to disclosures. It would also take away the option of indicating "not determined" in the disclosures. If adopted, these changes will likely be effective 7-1-2023.



BEST PRACTICES

The idea behind licensure disclosures is to ensure that students understand where their program will meet licensure requirements and, most importantly, where it will not.

- In addition to email or written communication, think about the most effective way to communicate to your students. Is it a conversation with admission or advising staff? Faculty advisors? Program orientation?
- Integrate licensure topics into assignments in all licensure programs. At a minimum, students should be required to visit their licensing board/agency website, review application process and all requirements for licensure. There are many beyond educational requirements—exams, background check/fingerprinting, training, etc.



GET THE RIGHT TEAM IN PLACE

A good team is essential to complete each step in this guide. Since securing support and resources for this work can be a challenge, be sure that leadership understands the importance of compliance with all Title IV regulations and SARA policies. The institution's ability to offer the program and provide federal financial aid is directly impacted by these disclosures!

Most teams will include: Provost/Registrar, IT Support, Admissions/Enrollment Leadership, Program Directors/Faculty Chairs, Curriculum experts, Legal, Marketing



REFERENCES & RESOURCES

Federal regulation and law

- 34 CFR 668.43(a)(5)(V) - Institutional Information (public disclosures)
- 34 CFR 668.43(c) - Institutional Information (individual direct disclosures)
- 34 CFR 668.71 - Misrepresentation - Scope and specific definitions
- 34 CFR 668.72 - Misrepresentation - Nature of educational program
- Public Law 116-315, Section 1018 - Additional licensure disclosure requirements for students utilizing GI Bill or other VA funding

Other resources

- [NC-SARA Manual v. 21.1 & 5.2](#), and other [NC-SARA Resources](#)
- Department of Education [Negotiated Rulemaking](#)

The information should not be considered legal advice. Legal questions should be directed to counsel.

Created 4-29-2022
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v. 1



Additional MHEC Resources and Support - Board Directory

Jurisdiction (State)	Licensing Board/Agency Name	Professions	Website	General Email	Phone Number
Arkansas	Arkansas State Board of Public Accountancy	Accounting	https://www.asbpa.ark	ASBPA@arkansas.gov	(501) 682-1520
Arkansas	Arkansas State Board of Acupuncture and Related Techniques	Acupuncturists	https://www.healthy.ar	ASBART@arkansas.gov	501-671-1569
Arkansas	Arkansas State Board of Architects, Landscape Architects and Interior Designers	Architecture, Interior Design	https://www.asbalaid.ark	asbalaid@arkansas.gov	(501) 682-3171
Arkansas	Arkansas State Board of Athletic Training	Athletic Training	https://www.aratb.org/	aratb@arkansas.gov	(501) 683-4076
	Arkansas State Board of Athletic Training	Athletic Training	https://www.aratb.org	aratb@arkansas.gov	(501) 683-4076
Arkansas	Arkansas State Board of Barber Examiners	Barbering	https://www.labor.ark	asklabor@arkansas.gov	(501) 682-4035
Arkansas	Arkansas State Board of Chiropractic Examiners	Chiropractic	https://www.healthy.ar	ASBCE@arkansas.gov	(501) 682-9015
Arkansas	Contractors Licensing Board	Construction Trades	https://www.aclb.arkan	contractors.licensing.bo	(501) 372-4661
Arkansas	Board of Electrical Engineers	Construction Trades	https://www.labor.arkansas.gov/labor/code-enf		501-682-4500
Arkansas	Home Inspector Registration Board	Construction Trades	http://www.ahirb.org/	ahib@arkansas.gov	(501) 683-3710
Arkansas	Arkansas Department of Health	Cosmetology	https://www.healthy.ar	cosmo@arkansas.gov	501-682-2168
Arkansas	Arkansas Board of Examiners in Counseling and Marriage & Family Therapy	Counseling, Marital and Family Therapy	https://abec.statesoluti	https://abec.statesoluti	501.683.5800
Arkansas	Arkansas State Board of Dental Examiners	Dentistry	https://www.healthy.ar	asbde@arkansas.gov	501-682-2085
Arkansas	Arkansas Dietetics Licensing Board	Dietetics	https://www.healthy.ar	ARDiet@arkansas.gov	501-661-2530
Arkansas	Arkansas Department of Health	EMS/Paramedic	https://www.healthy.ar	adhems@arkansas.gov	1-800-462-0599
Arkansas	Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors	Engineers and Land Surveyors	https://www.pels.arkan	https://www.pels.arkan	501 682-2824
Arkansas	Arkansas Board of Registration for Foresters	Foresters	https://www.agriculture	cara.tharp@agriculture.	(501) 224-2836
Arkansas	Arkansas State Board of Embalmers and Funeral Directors	Funeral Services	https://insurance.arkan	insurance.license@arkansas.gov	
Arkansas	Board of Registration for Professional Geologists	Geologists	https://www.arpgboard	pgboard@arkansas.gov	501-683-0150
Arkansas	None	Homeopathic Physician			
Arkansas	Bar Association	Law	https://www.arkbar.con	https://www.arkbar.con	501-375-4606
Arkansas	Arkansas Department of Health	Massage Therapy	https://www.healthy.ar	adh.message@arkansas	501-683-1448
Arkansas	Arkansas State Medical Board	Medical Doctor, Osteopath	https://www.armedicalb	office@armedicalboard	(501) 296-1802
Arkansas	Arkansas Department of Health	Midwifery	https://www.healthy.ar	adh.whgen@arkansas.g	501-661-2480

Board contact information for over 40 licensed professions/occupations for all 59 U.S. states/territories



HELP's Work with Institutions

The Bookmark

Online database of educational requirements for licensure for all U.S. states/territories (59) for over 50 license types.

Three different membership levels, based on number of users, starting at \$5,000/year.

Additional Services

- Webinars and Work Sessions
- Detailed Curriculum Comparisons
- Custom Research Projects

Costs vary, depending on number of factors including frequency, license type, timeframe, and number of institutions.



Questions



www.HigherEdLicensurePros.com

Nan Kalke

Kris Maul



[/in/nankalke/](https://www.linkedin.com/in/nankalke/)

[in/kris-maul](https://www.linkedin.com/in/kris-maul)



(612) 385-4231

(612) 242-9293



nan@highereducarepros.com

kris@highereducarepros.com



References

- *Federal regulation and law*
 - [34 CFR 668.43\(a\)\(5\)\(v\)](#) - Institutional Information (public notifications for programs leading to professional licensure or certification for all modalities)
 - [34 CFR 668.43\(c\)](#) - Institutional Information (individualized notifications for programs leading to professional licensure or certification for all modalities)
 - [34 CFR 668.71](#) - Misrepresentation - Scope and specific definitions
 - [34 CFR 668.72](#) - Misrepresentation – Nature of educational program
 - [Public Law 116-315, Section 1018](#) - Additional licensure disclosure requirements for students utilizing GI Bill or other VA funding.
 - [38 CFR 21.4253\(d\)\(9\)](#) - Feb 2023 final VA regulation with additional requirements
- *SARA Policy*
 - [NC-SARA Manual v. 22.1 § 5.2](#)

Resources

- [ED Negotiated Rulemaking](#)
- [NC-SARA Resources](#)

