

SB 304

Task Force on Occupational Licensing

Senator Michael Dembrow (SD 23)

Senate Committee on Business and Labor

January 31, 2023

National Occupational Licensing Meeting

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Posted on August 30, 2022 | In [Occupational Licensing](#), [Our Work](#)

Las Vegas| Ceasar's Palace | June 19-21

You're invited! The National Occupational Licensing Meeting is the culmination of a four-year collaboration between The Council of State Governments and National Conference of State Legislatures to reduce barriers to licensed occupations. Join us as we share the research and lessons learned from our work with the states and feature new and emerging trends in this important workforce topic.

Specifically, you will learn about best practices in occupational licensing, from the firsthand experiences of states that have been working on this issue. The meeting also will provide updates on a variety of licensing topics, including interstate mobility schemes, how the COVID-19 pandemic has impacted licensing and regulation, and diversity and inclusion in regulation. Breakout sessions will focus on scope of practice, military family mobility and licensing for people with a criminal history.

You will leave the meeting with a better understanding of occupational licensing's complexity, as well as the common pitfalls other states have faced in this policy area.

Assistance with travel expenses is available upon request. **The deadline to register online is June 1, 2022.** Click [here](#) to register.

DOL Consortium

by [Chad Young](#) / June 7, 2022



OCCUPATIONAL LICENSING: ASSESSING STATE POLICY AND PRACTICE

To identify problems in occupational licensure and help states find solutions, The Council of State Governments (CSG), the National Conference of State Legislatures (NCSL) and the National Governors Association (NGA) Center for Best Practices created in 2017 the Occupational Licensing Policy Learning Consortium, a partnership of 16 states. This work is made possible through a grant from the U.S. Department of Labor's (USDOL) Employment and Training Administration. The Consortium has strengthened understanding of occupational licensure issues among participating states by providing a forum for the state leaders and stakeholder professions to learn about occupational licensing best practices, become familiar with and discuss the existing licensing policies in their state and identify current policies that create unnecessary barriers to labor market entry, especially for disproportionately affected populations. States also were tasked with creating an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

CSG, NCSL, and NGA have facilitated Consortium partner assessment of evidence-based research, best

OCCUPATIONAL LICENSING

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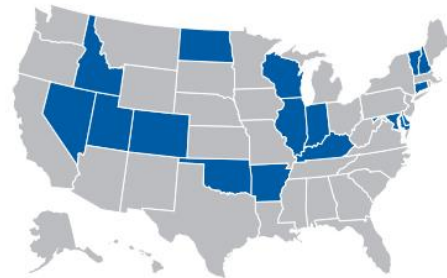
OVER THE LAST 60 YEARS, the number of jobs requiring an occupational license, or government approval to practice a profession, has grown from about 1 in 20 to nearly 1 in 4.

When implemented properly, occupational licensing can help protect the health and safety of consumers by requiring practitioners to undergo a designated amount of training and education in their field. However, differences and disparities in occupational licensing laws across states can create barriers for those looking to enter the labor market and make it harder for workers to relocate across state lines. Certain populations—including military spouses and families, immigrants with work authorization, people with criminal records, and unemployed and dislocated workers—are affected disproportionately by the requirements and variances of occupational licensing.

The National Conference of State Legislatures (NCSL), National Governors Association Center for Best Practices (NGA Center) and The Council of State Governments (CSG) are working with a group of 16 states on a multiyear project to identify solutions and best practices to the challenges occupational licensing policy can pose to workers. Funded by the U.S. Department of Labor's Employment and Training Administration, the project provides states with individualized technical assistance and opportunities to share work and best practices with other states in the cohort.

PRIMARY ACTIVITIES OF THE PROJECT

- ▶ **IDENTIFY BEST PRACTICES** around occupational licensing requirements, processes, mobility and communication through a combination of academic and public policy research and state examples.
- ▶ **CONVENE CRUCIAL IN-STATE STAKEHOLDERS** including policymakers and regulators to regularly discuss state activities and help inform state-specific action plans.
- ▶ **HOST ANNUAL MEETINGS** to convene policymakers and regulators to promote the sharing of best practices in occupational licensing policy and networking.



STATE ENGAGEMENT

The Occupational Licensing Project engages 16 states from across the nation in structured, peer learning groups with technical assistance from the partners and other national experts in the field. Each state's participation occurs through a project team consisting of relevant stakeholders who work in occupational licensing, including state legislators, governor's office staff and licensing agency officials. Through three cohort-wide annual meetings and 22 individualized in-state technical assistance meetings in three years, the project member states are making strides in reducing unnecessary barriers to labor market entry for their workers.



Occupational Licensing Policy

[Policy Briefs](#) [Publications](#) [Webinars](#) [COVID-19 Policy Responses](#)

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TRENDS IN THE WORK

Consortium member states are actively making changes to ensure occupational licensing preserves public health and safety without being overly burdensome to workers. Here are some of the trends from the states.

Changes to Regulatory Structure



- ▶ **ARKANSAS** and **IDAHO** have implemented sunrise or sunset processes.
- ▶ Some states have focused on board structure and board training, including **KENTUCKY** and **MARYLAND**.
- ▶ Other states are exploring the impact of licensing fees. **WISCONSIN** implemented a policy in 2019 which reduced the initial or renewal fees for approximately 75% of credential holders in the state.

Military Spouses and Veterans



- ▶ **KENTUCKY** pursued expedited licensure for service members first, before opening it up to include veterans, spouses and other family members.
- ▶ **ILLINOIS** expanded the length of expedited temporary licenses issued to service members from six months to three years.
- ▶ In 2018, **UTAH** passed legislation to allow military spouses who move to the state to practice their profession immediately upon relocation.

Immigrants with Work Authorization



- ▶ **COLORADO** passed legislation in 2019 to allow applicants for barber and cosmetology licenses to substitute on-the-job experience gained in a foreign country for the training hours the state requires for licensure.
- ▶ **MARYLAND** promulgated rules to allow for the use of interpreters on barber and cosmetology exams in 2018.
- ▶ **VERMONT** passed legislation requiring a uniform process for recognizing foreign education and training.

Individuals with Criminal Records



- ▶ **ILLINOIS** legislation amends state law to specify that mitigating factors are not a bar to licensure and provides the state's Department of Professional Regulation with guidance when considering licensure, registration or certification for an applicant with a criminal history.
- ▶ **DELAWARE** passed legislation lowering barriers to licensure for individuals involved in the justice system for HVAC installers/plumbers, electricians, massage therapists and real estate salespersons.

OCCUPATIONAL LICENSING REFORM 16 Consortium vs. 34 Non-Consortium States

LEGISLATION ENACTMENT RATE

Year	Consortium States	Non-Consortium States
2018	56.5%	38.2%
2019	54.1%	33.5%

EXECUTIVE ORDERS SINCE 2018

Consortium States	Non-Consortium States
8 Executive Orders	8 Executive Orders

GROWTH IN NUMBER OF WORKERS REQUIRING A LICENSE 1950s - TODAY



RESEARCH AND REPORTS

In addition to in person technical assistance, over the course of the project NCSL, the NGA Center and CSG have developed a **VARIETY OF RESOURCES FOR STATE POLICYMAKERS** including:

- ▶ 50-state minimum licensure requirement database
- ▶ 50-state occupational licensing legislation database
- ▶ Literature review scanning academic research and state trends in occupational licensing, and
- ▶ Four companion population reports exploring how licensing is more burdensome for some groups

To learn more about our resources, visit nctl.org/stateslicense and licensing.csg.org.



Professional and Occupational Regulation: **U.S. State Regulatory Structures**

Project funded by the Occupational Licensing Policy Learning Consortium: the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center)

Data collection and analysis conducted by the Council on Licensure, Enforcement and Regulation (CLEAR)

Exhibit 2. Location of Decision-Making Authority by Jurisdiction



EXHIBIT 2.

Location of Decision-Making Authority by Jurisdiction

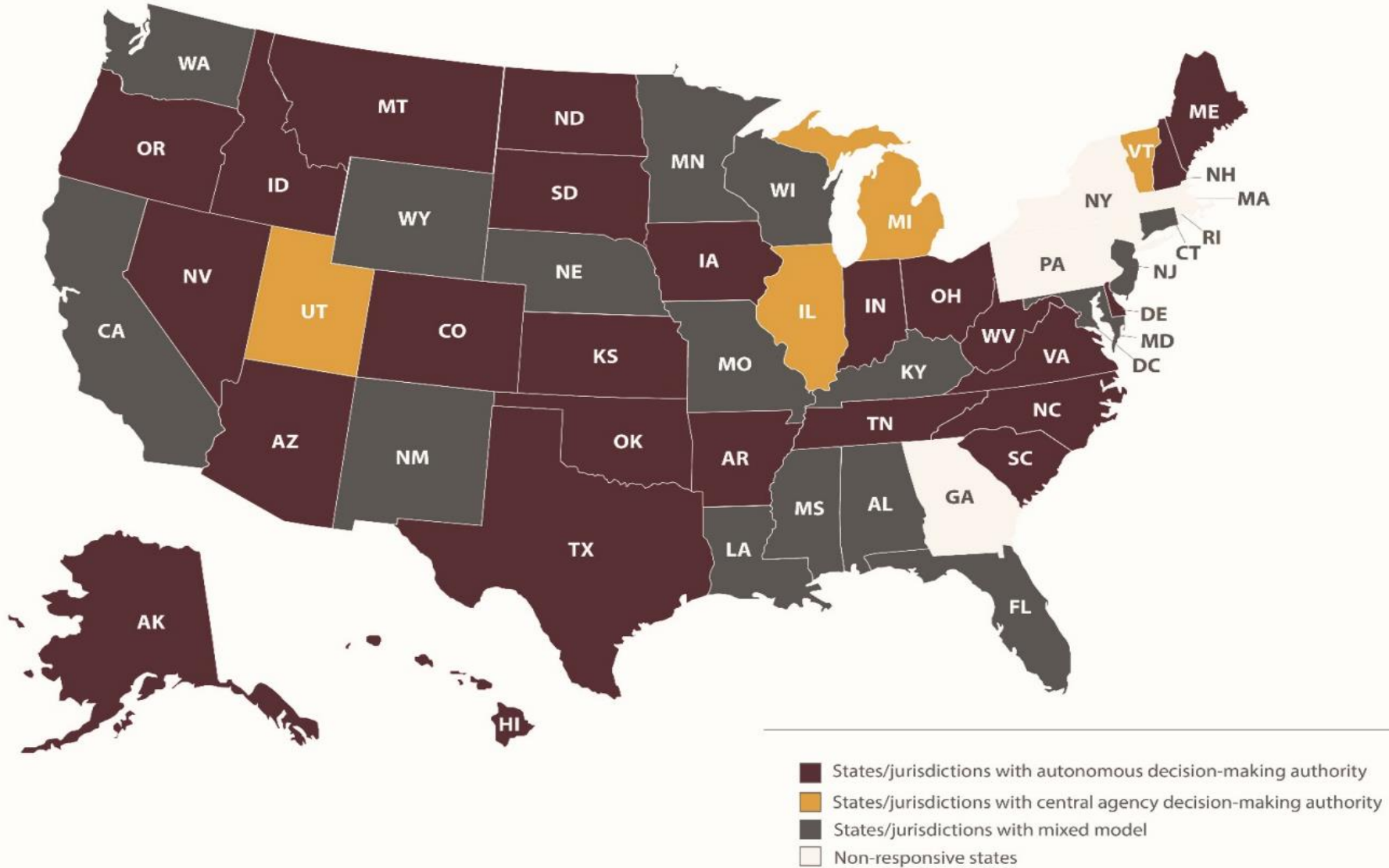
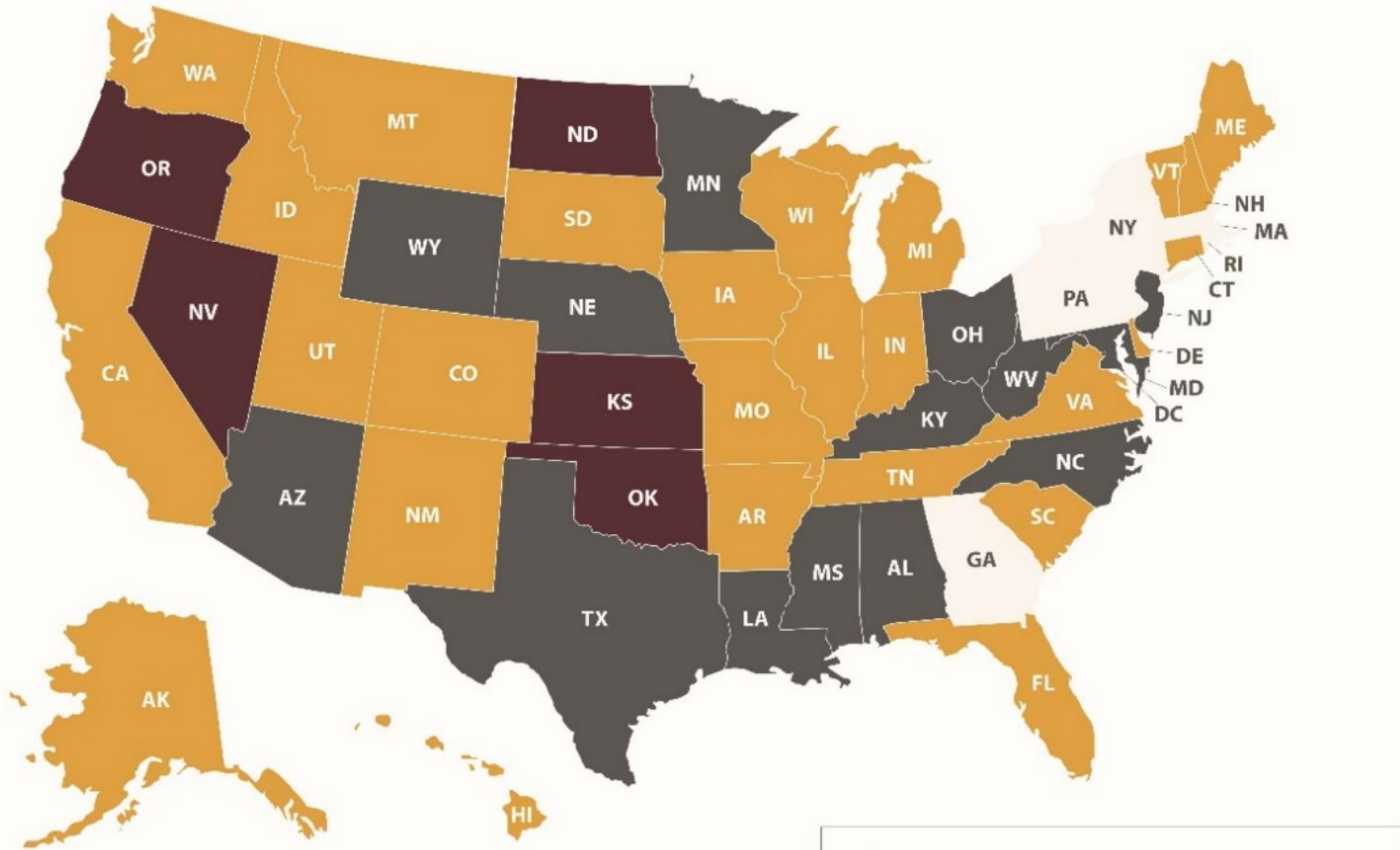


Exhibit 3 and below for a map showing the location of operational functions by jurisdiction.)



- States/jurisdictions with fully autonomous operations
- States/jurisdictions with central agency for operations
- States/jurisdictions with mixed model
- Non-responsive states

Responses from 32 of the 46 jurisdictions (70%) indicated that the individual boards within a jurisdiction followed a consistent pattern of operational authority; that is, 6 of the jurisdictions reported that *all* of their boards have an autonomous model in place and 26 of the jurisdictions indicated that *all* of their boards have a variation of a central agency model in place. The remaining 14 of the 46 jurisdictions (30%) reported that their jurisdiction includes both boards with autonomous operational authority and boards with central agency operational authority. See Figure 5.

- 6 jurisdictions indicated that operational functions are controlled by fully autonomous boards; that is, these jurisdictions use Model A (DC, KS, NV, ND, OK, and OR);
- 26 jurisdictions indicated that some degree of operational functions are handled by a central agency; that is, these jurisdictions use Model B, C, D, or E (AK, AR, CA, CO, CT, DE, FL, HI, ID, IL, IN, IA, ME, MI, MO, MT, NH, NM, SC, SD, TN, UT, VT, VA, WA, and WI); and
- 14 jurisdictions indicated that there is a mix of models in use, with individual boards responsible for operational functions for some professions and a central agency responsible for operational functions for other professions (AL, AZ, KY, LA, MD, MN, MS, NE, NJ, NC, OH, TX, WV, and WY).

Figure 6: Combinations of Decision-making and Operational Authority

		Decision-making Authority		
		autonomous	mixed	centralized
Operational Authority	autonomous	6 jurisdictions DC, KS, NV, ND, OK, OR	---	---
	mixed	5 jurisdictions AZ, NC, OH, TX, WV	9 jurisdictions AL, KY, LA, MD, MN, MS, NE, NJ, WY	---
	centralized	15 jurisdictions AK, AR, CO, DE, HI, ID, IN, IA, ME, MT, NH, SC, SD, TN, VA	7 jurisdictions CA, CT, FL, MO, NM, WA, WI	4 jurisdictions IL, MI, UT, VT

	Board	
OH	Ohio State Chiropractic Board	1
OK	Board of Accountancy	1
OK	Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors	2
OK	Oklahoma Securities Commission/Department of Securities	6
OK	Oklahoma Board of Chiropractic Examiners	1
OR	Oregon State Board of Architect Examiners	1
OR	Oregon Board of Optometry	1
OR	Oregon State Board of Nursing	1
OR	Oregon Real Estate Agency	1
SC	SC Residential Builders Commission	More than 20
SC	Department of Labor, Licensing, and Regulation	More than 20
SD	South Dakota Board of Technical Professions	6
TN	Tennessee Department of Commerce and Insurance - Regulatory Boards	More than 20
TN	Department of Health	5
TX	Texas Board of Architectural Examiners	3
TX	Texas Board of Nursing	2
TX	Texas Board of Physical Therapy Examiners	1
TX	Judicial Branch Certification Commission	4
TX	Texas State Board of Examiners of Marriage and Family Therapists	1
TX	Texas State Board of Examiners of Psychologists	
UT	Utah Division of Occupational and Professional Licensing	More than 20
VT	Vermont Secretary of State's Office of Professional Regulation	More than 20
VA	Division of Regulation and Compliance	3
VA	Department of Health Professions	More than 20
VA	Virginia Department of Health - Office of Emergency Medical Services	1
WA	Washington State Chiropractic Quality Assurance Commission	

Is Our Current Model of Fully Autonomous Licensing Boards the Right Model for Oregon?

- SB 304 directs a task force to study and report to the Legislature in time for potential action in 2025.
- It will consist of 9 legislators (4 senators, 5 representatives).
- Supported by state agencies and boards.
- With Input from license holders, potential license holders, other workers, and national experts.