



NCSL OCCUPATIONAL LICENSING CONSORTIUM CASE STUDY REPORTS

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MAKING RESEARCH RELEVANT

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Executive Summary

In 2015, the Bureau of Labor Statistics (BLS) reported that nearly a quarter of all employed U.S. workers are in a profession that requires an occupational license.¹ Given the prevalence of licensing, it is one of the central factors that shapes employment opportunities for many workers.² Licensing is also one of the most restrictive forms of occupational regulation since it legally prohibits individuals from working in a licensed occupation if they do not fulfill a jurisdiction's educational and/or experience requirements. One estimate suggests that, at the national level, licensing may cost the economy between 1.8 and 1.9 million jobs and between \$183.9 and \$197.3 billion each year in misallocated resources.³

The American Institutes for Research (AIR) worked with the National Conference for State Legislatures (NCSL) and its partner organizations, the Council of State Governments (CSG) and the National Governors Association (NGA) Center for Best Practices, to conduct case studies of 11 different states that undertook efforts to review their licensing practices. Since 2017, through the Occupational Licensing Policy Learning Consortium, NCSL and its partner organizations have been working on occupational licensing with each state. For each state there was a Core Team and a Home Team. Each Core Team included a group of 6-10 individuals who took the lead in driving their state's Consortium work. Each Home Team was a larger group of stakeholder organizations and individuals that the state engaged to support and advance its efforts to improve occupational licensing. The states developed action plans and goals to reduce barriers to entry into licensed occupations and improve the portability of licenses across state lines. These plans were then implemented, and goals were refined throughout the last two years, yielding important accomplishments and lessons learned across the Consortium states.

Each case study in this report takes a retrospective look at one of the occupational licensing initiatives undertaken by a Consortium state. The focal topics for the case studies were developed by NCSL and its partner organizations in coordination with the Consortium states. Collectively, the case studies shed light on the processes, successes, challenges, and effects of occupational licensing initiatives pursued by each state. The case studies in this report have been organized thematically, based on their focal topics (Exhibit 1):

- Arkansas and Kentucky sought large-scale licensing changes.
- Delaware, Wisconsin, Utah, and Connecticut pursued licensing initiatives to benefit targeted populations, such as justice-involved individuals or minority populations. Among these, the case studies for Wisconsin and Delaware also explore the effects of specific legislation on the targeted populations.
- Wisconsin, Utah, Connecticut, Illinois, Indiana, and Nevada focus on the process of passing legislation. Among these, the case studies for Utah and Connecticut explore how the need for new legislation was identified. The case studies for Illinois, Indiana, and Nevada examine the challenges and lessons learned from attempting to pass new legislation.
- Colorado and Maryland explore the success and challenges in pursuing licensure efforts using a regulatory approach.

¹ <https://www.bls.gov/cps/certifications-and-licenses.htm>

² <https://www.brookings.edu/research/occupational-licensing-and-the-american-worker/>

³ https://ij.org/wp-content/uploads/2018/11/Licensure_Report_WEB.pdf (p. 21)

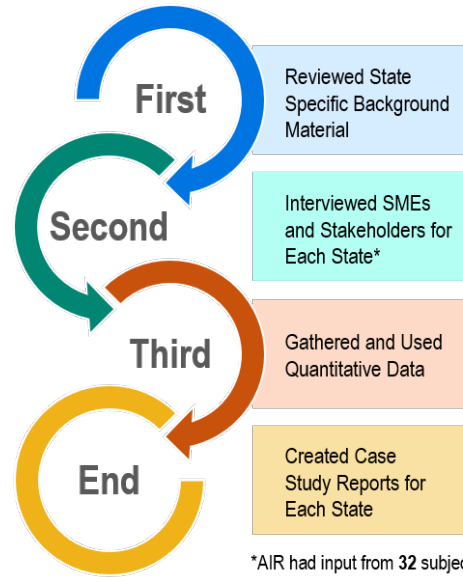
Exhibit 1. List of 11 states and their respective case study focal topics and page numbers in this report

STATE	CASE STUDY FOCAL TOPIC	PAGE NO.
Arkansas	The effect of building a coalition on the achievement of results within the occupational licensing initiative in Arkansas.	6
Kentucky	The challenges and barriers encountered when attempting to reform a decentralized occupational licensing system in Kentucky.	10
Delaware	The effect of House Bill 97 on addressing and reducing barriers to licensing for justice-involved individuals in Delaware.	14
Wisconsin	The process and impact of the 2017 Wisconsin Acts 278 and 319 on the disproportionately affected populations in Wisconsin.	18
Utah	The process of developing Senate Bill 227 in Utah and how the need to reduce barriers to occupations for military spouses was identified.	21
Connecticut	The process of developing and passing the Minority Teacher Recruitment and Retention bill (Senate Bill 455) and how it was identified as a goal in Connecticut.	25
Illinois	The approach Illinois adopted to pass sunrise legislation and the challenges overcome in the process.	29
Indiana	The processes, challenges, and lessons learned from passing nursing compact legislation in Indiana and the barriers that prevented the passing of Emergency Medical Services compact legislation.	33
Nevada	The processes and challenges involved in attempting to pass the nursing compact legislation in Nevada and how the need to join a nursing compact was identified as a goal.	37
Colorado	The successes and challenges of using a regulatory approach to affect licensure policy in Colorado.	41
Maryland	The reasons for successful regulatory reform for Maryland’s cosmetology field but not for other occupations—specifically, plumbers and Heating, Ventilation, Air Conditioning, and Refrigeration professionals.	45

The case studies offer important insight into factors that facilitated and hindered success within licensure efforts. First, task forces and working groups played a key role in establishing legitimacy to why particular efforts were worth pursuing. Second, valid and reliable data were key to making policy decisions and receiving buy-in from stakeholders. Third, labor union support was crucial to the success or failure of licensure efforts. Fourth, in many cases coalition building and robust communication across stakeholders was instrumental to progress and/or success.

Each case study involved three data collection steps, illustrated in Exhibit 2. First, we gathered and reviewed materials for each state, such as summaries of the Consortium state’s Occupational Licensing Policy Learning Consortium application, semi-annual reports, and state-specific technical assistance documents. Second, for each state, we interviewed about three subject matter experts (SMEs) and/or stakeholders who had insight into the case study’s focal topics; across all 11 case studies, AIR collected input from 32 SMEs. Third, we gathered and used quantitative data to supplement the case study. Most of the quantitative data was collected from publicly available data sources. The nature of the quantitative data depended on the topic of each case study. The information gathered from the background materials, the interviews, and the quantitative data was used to develop each of the 11 case studies. Each case study includes an introduction, a description of the focal topic, a summary of the findings, a description of the case study approach, and detailed findings.

Exhibit 2. Data collection steps toward developing the case study reports



*AIR had input from 32 subject matter experts across all 11 states.

GLOSSARY AND ACRONYMS

This section lists terminology and acronyms used in this report.

Glossary

<i>Partners</i>	National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and National Governors Association Center for Best Practices (NGA Center) working collectively.
<i>Core Team</i>	A group of 6-10 individuals who took the lead in driving the state’s Consortium work and served as the main group in contact with the Partners. Each member of the Core Team was required to be a senior-level official with sufficient authority to commit their organization to action. Each state’s Core Team included members from the Governor’s office, the state workforce or licensing agency, and the state legislature.
<i>Home Team</i>	A larger group of stakeholder organizations and individuals that the state engaged to support and advance its efforts to improve occupational licensing. The size of the Home Team was what the state deemed best to involve all relevant stakeholders. The representation of the Home Team was determined by each state, but members included educational institutions, licensing entities, postsecondary education institutions, local scholars, policy research institutes, and industry, business, or professional associations.
<i>Compact</i>	Compacts create reciprocal professional licensing practices between states while ensuring the quality and safety of services and safeguarding state sovereignty.
<i>Sunrise Legislation</i>	Sunrise is a process under which an occupation or profession wishing to receive state certification or licensure must propose the components of the legislation along with cost and benefit estimates of the proposed regulation.
<i>Sunset Legislation</i>	Sunset is the automatic termination of a law or regulation (barring a vote to keep it active). With respect to occupational licensing, this can mean the termination of regulatory boards or agencies as well as other licensing requirements.

Acronyms

<i>Acronym</i>	<i>Phrase</i>	<i>Report Section/State</i>
NCSL	National Conference for State Legislatures	Executive Summary, Arkansas
CSG	Council of State Governments	Executive Summary
NGA	National Governors Association	Executive Summary
BLS	Bureau of Labor Statistics	Executive Summary, Wisconsin

<i>Acronym</i>	<i>Phrase</i>	<i>Report Section/State</i>
SMEs	Subject Matter Experts	Executive Summary and all states
RTRWG	Red Tape Reduction Working Group	Arkansas
OLAG	Occupational Licensing Advisory Group	Arkansas
DCRC	Delaware Correctional Reentry Commission	Delaware
HVACR	Heating, Ventilation, Air Conditioning, and Refrigeration	Delaware, Maryland
DSPS	Department of Safety and Professional Services	Wisconsin
DOPL	Division of Occupational and Professional Licensure	Utah
OPLR	Occupational Professional Licensing Review Committee	Utah
HBCUs	Historically Black Colleges and Universities	Connecticut
HSIs	Hispanic-Serving Institutions	Connecticut
ARCs	Alternative Routes to Certification	Connecticut
WIG	Workforce Information Grant	Illinois
SOC	Standard Occupational Classification	Illinois
EMS	Emergency Medical Services	Indiana
EMT	Emergency Medical Technicians	Indiana
eNLC	Enhanced Nursing License Compact	Indiana, Nevada
RN	Registered Nurse	Indiana, Nevada
LPN	Licensed Practical Nurse	Indiana, Nevada
VN	Vocational Nurse	Indiana, Nevada
REPLICA	Recognition of EMS Personnel Licensure Interstate Compact	Indiana
IAFF	International Association of Fire Fighters	Indiana
OWINN	Office of Workforce Innovation	Nevada
NSBN	Nevada State Board of Nursing	Nevada
NCSBN	National Council of State Boards of Nursing	Nevada
CSN	College of Southern Nevada	Nevada
DORA	Department of Regulatory Agencies	Colorado
VOCAL	Veterans Occupational Credentialing and Licensing	Colorado

ARKANSAS

BUILDING A COALITION—THE EFFECT

Introduction

In 2013, Arkansas began its attempts to pass ambitious changes to occupational licensing legislation by calling for a review of all occupational licensing regulations in the state. These attempts at passing legislation were unsuccessful until 2019. The Red Tape Reduction Sunrise and Sunset Act of 2019, also known as Act 600, marks the first time a bill of this type was successful in Arkansas. Much of the credit for this success lies with a coalition built among two groups—the Red Tape Reduction Working Group (RTRWG) and the Occupational Licensing Advisory Group (OLAG).

As part of the Consortium and occupational licensing initiative efforts, in 2017, Governor Asa Hutchinson appointed 17 people to the RTRWG. This group was tasked with considering occupational licensing issues and recommending legislation to the governor. OLAG was formed to work in parallel with the RTRWG and represented Arkansas’s Home Team for the NCSL-led Occupational Licensing Consortium work. OLAG included 25 individuals and four support staff members representing various regulatory boards and departments, such as the State Board of Nursing, American Institute of Architects, and Arkansas Agriculture Department. OLAG was tasked with researching Arkansas’s licensing requirements and surveying all licensing entities within Arkansas to develop accurate and up-to-date information.

Case study focus: The effect of building a coalition on the achievement of results within the occupational licensing initiative in Arkansas.

Key findings:

- ✚ The RTRWG and OLAG recommendations led to the creation of the occupational licensing regulations committee and numerous approved legislative changes.
- ✚ The availability of accurate data provided the information needed to garner support for the bill and address areas of dispute.
- ✚ Data collected from the OLAG’s survey and self-assessment contributed to the RTRWG’s Fall 2018 Report, which influenced the successful passing of House Bill 1527 (Act 600).

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Arkansas’s case study are listed in Exhibit 3.

Exhibit 3. Sources of data and information used for Arkansas’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">❖ Summary of Arkansas’s Occupational Licensing Policy Learning Consortium application, 2018 semi-annual report, occupational licensing action plan, and state-specific technical assistance documents❖ Arkansas state legislature website, news articles, and reports❖ RTRWG’s Fall 2018 Report❖ Arkansas’s blog on its initiative activities: www.occupationallicensingarkansas.blog
Qualitative Data	SME interviews: <ul style="list-style-type: none">Representative Bruce Cozart, Core Team Lead; RTRWG Co-Chair; State Representative, and General Contractor, Bruce Cozart Construction, Inc.Gary Isom, Core Team Member; OLAG Chair; Executive Director, Arkansas Real Estate CommissionRobin Voss, Core Team Member; Occupational Licensing Project Coordinator; Administrative Specialist and Grants Coordinator, Arkansas House of Representatives
Quantitative Data	Number of bills passed on the recommendations of RTRWG and OLAG

Findings

The data collection activities listed in Exhibit 3 provided insight into the importance and effect of building coalitions in Arkansas. They also provided information on the process and coordination required to make legislative change based on accurate and reliable data. There are three major findings related to the efforts in Arkansas.

The RTRWG and OLAG recommendations led to the creation of the occupational licensing regulations committee and numerous approved legislative changes

Since their inception in 2017, the RTRWG and OLAG worked tirelessly to generate the Fall 2018 Report, which listed **five approaches to occupational licensing legislation** (see callout box) and **recommended 10 areas for future study and development**. After the recommendations were made in November 2018, House Bill (HB) 1527 passed through the legislature and became Act 600 on March 29, 2019.

Fall 2018 Report—Considerations for Legislation

1. Establish an expedited procedure for occupational licensing agencies to submit rule/regulation requests that are responsive to new legislation.
2. Extend Act 781 to allow repeal of subsections of rules/regulations.
3. Establish provisions to allow certain agencies to consider occupational relevance with regard to criminal background issues.
4. Authorize occupational agencies the ability to identify groups or entities for which temporary/provisional licensure can be issued.
5. Establish systematic processes of sunrise review for creation of new licensing entities and sunset review of existing licensing entities.

In March 2019, as a result of Act 600, a legislative subcommittee called the Occupational Licensing Regulations Committee was formed. The subcommittee is tasked with a **rotating review of all 97 occupational licensing entities in Arkansas** over the **next six years**. Year 1 of this review will analyze 51 licenses issued by 17 different agencies or boards through August of 2020.⁴

“Every year, one-sixth of the 97 licensing entities [in Arkansas] will be picked to be reviewed at a random order. We aren’t picking on a certain license, group, or individual. We will make a full rotation, a total review of all licensing, and see how we’re doing then.”

– Representative Bruce Cozart

In addition to the committee review, further steps toward the occupational licensing initiative were made by the Core Team in Arkansas’s 92nd General Assembly of 2019. During the legislative session, 83 bills related to occupational licensing were considered, and the legislature approved 45 of them. Several of these new state laws enacted recommendations made in the RTRWG’s Fall 2018 Report.

⁴ Wickline, M. R. (2019). Occupational license review nearing start. *Arkansas Democrat Gazette*. Retrieved from <https://www.arkansasonline.com/news/2019/jun/21/occupational-license-review-nearing-sta-1/>

The availability of accurate data provided the information needed to garner support for the bill and address areas of dispute

Interviews with stakeholders suggest that the availability of good data may have changed the trajectory of initiative efforts. The unsuccessful legislative attempts, prior to 2019, had been largely due to *“a lot of bad data that has been circulated through legislatures, through the years,”* said Mr. Gary Isom. *“It was just unknown territory with an isolated movement, without stakeholder input and therefore there was just not much support, but there was a lot of resistance,”* Mr. Isom continued.

By contrast, data played a pivotal role in the passage of Act 600. First, a **2017 report by the Arkansas Department of Workforce Services** highlighted the urgency of the large-scale occupational licensing initiative.⁵ It revealed that the state government regulated more than 300 occupations with a license, a certification, or registration regulations. It also highlighted the 2017 operating budget for Arkansas’s professional boards and commissions, which establish licensing requirements and ensure compliance with them, of nearly \$62 million. This accelerated Arkansas’s momentum in passing occupational licensing legislation (Act 600), which provided for a review of potential cost, benefits, and impacts before advancing with legislation (sunrise legislation) and ensured the creation of a state board or agency after legislation is enacted, and required an essential periodic review (sunset legislation).⁶ This sunrise and sunset legislation highlighted that it is in the best interest of the state of Arkansas to conduct a periodic comprehensive legislative review of all occupational authorizations and the occupational entities that issue them, with the hope of determining and implementing the least restrictive form of occupational authorization to protect public health and safety.⁷

Second, the availability of good data fueled stakeholder discussions on areas of contention. When filing the bill that ultimately became Act 600 (HB 1527) in the 2019 legislative session, there was a **continuous dialogue among all stakeholders** about how to amend or remove components that instigated resistance. For example, a clause in the bill allowing the Arkansas Legislative Council to hire a consultant attracted attention due to the potential high dollar expense but was resolved through a thorough discussion, and no modifications were needed. This necessary dialogue was initiated and supported by the current, reliable data provided by OLAG (expanded upon in the next finding) and ultimately contributed to the success Arkansas experienced in 2019.

Data from the OLAG’s survey and self-assessment contributed to the RTRWG’s Fall 2018 Report, which influenced the successful passing of HB 1527 (Act 600)

One of the first steps taken by OLAG was to create a questionnaire to assess the group members’ perceptions and opinions of Arkansas’s occupational licensing issues. This questionnaire allowed OLAG to establish a focus for the group. The executive summary of the results,⁸ released in May 2018, displayed the perspectives of the OLAG members. For example, 60% responded that structural change in how Arkansas handles licensing is somewhat important, and 13% expressed that it is extremely important.

Following the group’s self-evaluation, OLAG developed a **51-question survey** that was sent to every licensing agency. The purpose of this survey was to address questions and concerns that arose through

⁵ McLaughlin, P., Mitchell, M., & Philpot, A. (2017). The state of occupational licensure: Arkansas. *Mercatus Center George Mason University*. Retrieved from <https://www.mercatus.org/publications/corporate-welfare/state-occupational-licensure-arkansas>

⁶ Hentze, I. (2018). Improving occupational licensing with sunrise and sunset reviews. Retrieved from <http://www.ncsl.org/research/labor-and-employment/improving-occupational-licensing-with-sunrise-and-sunset-reviews.aspx>

⁷ Act 600: <http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act600.pdf>

⁸ Occupational Licensing Advisory Group. (n.d.). Responses for occupational licensing: Occupational licensing advisory group. Retrieved from <https://occupationallicensingarkansas.files.wordpress.com/2018/05/ol-advisory-group-survey-summary.pdf>

the joint committee process. Highlighted in the results was the consistent primary aim of licensing agencies: to **protect public safety and health** and to **guarantee practitioners have the necessary knowledge, skills, and training** to successfully work in the occupation.

OLAG also developed a **Self-Assessment tool** to serve as a measure for the self-evaluation of practices, processes, and requirements for licensure, registration or certification. After the self-assessment was delivered, *“many of them (licensing agencies) were coming forward,”* Ms. Robin Voss explained, listing things they thought *“were not relevant anymore or something we can change and there were a few proposals that came out of that.”* The data obtained from these three sources (i.e., OLAG questionnaire, 51-question survey, and self-assessment tool) were compiled into a report, with the aid of Dr. Derek Slagle, Special Projects Coordinator and researcher with the Arkansas House of Representatives. These data needed to be well informed and accurate because they would serve as the foundation for many legislative decisions. This 50-page report was then officially received by the RTRWG on October 22, 2018, and ultimately became the RTRWG’s Fall 2018 Report.⁹ The findings of the report were instrumental to the passing of HB1527 (Act 600).

Although the RTRWG disbanded after the Fall 2018 Report was developed, OLAG’s work continues as Arkansas moves forward with the occupational licensing initiative. *“Hopefully, we’ll have the same open communications and dialogue; and if there are problems, let’s figure out how to solve those. But let’s make sure we’re doing it with correct information,”* Mr. Isom projected. With continued work by OLAG and a six-year review of all occupational licensing entities ahead, Arkansas is positioned for further success as it continues to remove employment barriers and improve interstate portability of occupational licenses.

⁹ Red Tape Reduction Working Group. (2018). *Fall 2018 Report*. Retrieved from <https://occupationallicensingarkansas.files.wordpress.com/2018/11/rtrwg-report-11-19-18.pdf>

KENTUCKY

REFORMING THE OCCUPATIONAL LICENSING SYSTEM – CHALLENGES AND BARRIERS

Introduction

Kentucky’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified the improvement of the regulatory framework that governs Kentucky’s occupational licensees as a goal. The Kentucky Public Protection Cabinet (PPC) is a state agency that provides regulation, licensure and consumer protection services for Kentucky. The PPC attempted to pass legislation that would reorganize all of Kentucky’s professional licensing boards within the Department of Professional Licensing (DPL).

Kentucky pursued legislation for two reasons: First, *the North Carolina State Board of Dental Examiners v. Federal Trade Commission* requires active state supervision for occupational licensing boards to protect board members from personal liability in anti-trust lawsuits. Second, upon his inauguration Governor Matt Bevin called for an efficient organizational structure as well as consistent, ethical and coordinated regulatory practices. Bringing all licensing boards within DPL, providing them with centralized legal and administrative services, and instituting active state supervision would offer the citizens of the Commonwealth a lawful and consistent standard for licensing board operations. As of 2019, 39 out of 43 occupational licensing boards in Kentucky continue to operate without active state supervision. While the Commonwealth successfully created the Kentucky Real Estate Authority to oversee four real estate related licensing boards (House Bill (HB) 443, 2017), subsequent legislative attempts to provide active state supervision (HB 465, 2018; HB 178, 2019) were unsuccessful.

Case study focus: The challenges and barriers encountered when attempting to reform a decentralized occupational licensing system in Kentucky

Key findings:

- ✚ The Commonwealth established the Kentucky Real Estate Authority to oversee four real estate related licensing boards.
- ✚ The first attempt to establish active state supervision faced opposition from boards and licensees.
- ✚ The substantive contributions of stakeholders, including board members, helped tailor the second legislative attempt to the operational needs of different licensing boards.
- ✚ Institutional inertia and the necessitated revisions, in addition to session priorities, hindered the second legislative attempt.

Case Study Approach. The Executive Summary describes our overall approach to the case studies. Details that are specific to Kentucky’s case study are listed in Exhibit 4.

Exhibit 4. Sources of data and information used for Kentucky’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none"> ❖ Summary of Kentucky’s consortium application, the 2018 semi-annual report, and several state-specific technical assistance documents. ❖ Kentucky Executive Order 12.1.16
Qualitative Data	<p>SME Interviews:</p> <p>Representative Adam Koenig, Core Team Member; Sponsor of HB 465 and HB 178; Chairman, Licensing, Occupations and Administrative Regulations Committee; and State Representative</p> <p>Carmine G. Iaccarino, Home Team Member and Executive Director, Office of Legal Services, PPC</p> <p>Bryan Morrow, Core Team Member and Executive Advisor, PPC</p> <p>David Trimble, Core Team Member and General Counsel, Department of Professional Licensing, PPC</p>

Findings

The data collection activities listed in Exhibit 4 provided insight into the challenges and barriers faced when attempting to reform the organization of occupational licensing boards within the PPC. It also provided information on the strategies that the PPC used to address these challenges. Below we summarize our findings from the data collection activities.

The Commonwealth established the Kentucky Real Estate Authority to oversee four real estate related licensing boards

Kentucky Revised Statute (KRS) 12:028 authorizes the Governor to reorganize state agencies between sessions of the General Assembly. The General Assembly in turn must codify the reorganization in the following session, or it is terminated 90 days after *sine die* adjournment. Governor Bevin's executive order on Dec. 1, 2016 reorganized four real estate related occupational licensing boards under a newly formed administrative body called the **Kentucky Real Estate Authority**. The General Assembly codified HB 443 in 2017, and the Governor's signature made the reorganization permanent. Subsequent legislative attempts to reform the structure of the remaining occupational licensing boards in Kentucky were made.

“The General Assembly has a central policy-making role in establishing occupational licensing boards.”

– Mr. Carmine. G. Iaccarino

The first attempt to establish active state supervision faced opposition from boards and licensees

PPC's initial “active state supervision” efforts were highly regulatory. After considerable research, including best practices from other states, the 2015 North Carolina Supreme Court case ruling¹⁰ and a white paper from the Federal Trade Commission¹¹ the Cabinet adjusted the approach. Mr. Iaccarino said, *“At the outset, the Cabinet considered its preliminary reform ideas as a low to a moderate regulatory solution. As early reform ideas were reevaluated based on significant research and feedback, the Cabinet realized that those earlier, initial solutions were in fact highly regulatory and more centralized than was necessary.”*

This first legislative effort was passed by the House but was not passed by the Senate. The bill faced opposition from licensing board members and licensees. Many concerns centered on the perception that active state supervision would **encumber a licensing board's authority and autonomy to regulate the profession**. Mr. Iaccarino stated, *“Many opposed the general concept of a regulatory authority. Some doubted that a politically appointed state employee would prioritize the profession's best interests, and others feared the reorganization would consolidate licensing boards. Still others perceived the effort as an attempt to deregulate professions and feared that an appointed executive director would veto the board's efforts to protect the public.”* The feedback and concerns from licensing boards during the legislative process in 2018, contributed to changes to the content in the second bill.

¹⁰North Carolina State Board of Dental Examiners v. Federal Trade Commission, 574 U.S. (2015), available at https://www.supremecourt.gov/opinions/14pdf/13-534_19m2.pdf.

¹¹ Federal Trade Commission. (2015). FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants. Retrieved from https://www.ftc.gov/system/files/attachments/competition-policy-guidance/active_supervision_of_state_boards.pdf.

The substantive contributions of stakeholders, including licensing board members, helped tailor the second legislative attempt to the operational needs of different licensing boards

For the second legislative attempt in 2019, the PPC rebranded the effort from “board reorganization” to “**board modernization**,” and conducted a **listening tour** with all major stakeholders. The tour allowed the Cabinet to gather feedback and to address stakeholder concerns by integrating feedback and revising the proposal. In 2019, the Council of State Governments (CSG) in collaboration with various other agencies hosted a **workshop on Occupational Licensing Best Practices** for licensing board members. The workshop aimed to promote understanding, minimize misinformation and demonstrate the potential dangers for boards without active state supervision. Mr. David Trimble reported, *“The boards and associations... made some good, solid, substantive contributions to what ultimately became HB 178.”*

The first legislative effort prioritized bringing consistent regulatory practices to licensing boards. In 2019, the second **attempt focused on presenting solutions to functional needs that varied by profession while still maintaining the core goal of active state supervision**. Coordination with various board members and stakeholders resulted in the addition, omission and adaption of provisions in response to board concerns.

“In 2019, after conducting a listening tour with stakeholders the Cabinet understood that effective solutions may look different from board to board.”

– Mr. Iaccarino

As a result, the second bill underwent a few iterations. One revision allowed standards for disqualification of board members to be enumerated in the bill, but term limits were omitted.

“The main challenge was that... boards who had operated independently over the years saw this as a removal of their autonomy.”

– Representative Adam Koenig

In some cases setting term limits for board members works well, however other boards and professions find it difficult to recruit board members. A generally applicable term limit restriction would have limited some board’s ability to recruit and retain quality members. Other provisions that were removed based on stakeholder feedback included requiring a minimum two-year licensure period, capping board member

compensation at \$100 per day, creating mandatory discipline review committees and reducing the number of board members.

Institutional inertia and the necessitated revisions, in addition to session priorities, hindered the second legislative attempt

On two occasions, the PPC compiled findings and presented to the Interim Joint Committee of Licensing and Occupations, which meets in between sessions of the General Assembly. However, as the PPC gradually adapted HB 178 to address concerns, many stakeholders remained uncertain about the content of the bill. The PPC communicated regarding the changes, as Mr. Iaccarino stated, *“As the Cabinet revised the proposed legislation based on stakeholder feedback, the Cabinet made an effort to communicate modifications with each of the stakeholder groups, including the board members, staff, licensees, and others.”* However, with various iterations, not all stakeholders were fully aware of what was and was not included in the final bill.

Institutional inertia was another factor that created a challenge. As Mr. Iaccarino explained, *“Institutional inertia posed a significant challenge to the modernization effort... reform is sometimes a hard sell, but we continue to believe that constant improvement is an admirable goal for all state agencies – including occupational licensing boards.”* To address institutional inertia, the Cabinet would have introduced licensing boards and legislators to the Consortium earlier in the process. The Cabinet

also would have acknowledged the General Assembly’s pre-eminence in establishing occupational boards and deferred to a legislative lead in this effort.

Representative Koenig also highlighted the challenge of bringing legislation forward during years of stark partisanship in the General Assembly. A successful endeavor would require **communicating with all legislators** about the importance of active state supervision. Ultimately, the second legislative attempt was unsuccessful.

Retrospective Look: Lessons Learned

- Continue to participate in **collaborative learning opportunities**, such as the Occupational Licensing Policy Learning Consortium, that have provided the PPC with valuable research and a forum in which to engage with experts and legislators.
- **Engage licensing boards and legislators** early in the process and seek greater input and participation.
- **Thoroughly research best practices from state to state**, while accounting for specific context and the individual needs of each board and profession as informed by its members and leaders.

HB 443 succeeded in creating active state supervision for four boards. While HB 465 and HB 178 were not successful, PPC learned valuable lessons (which are outlined in the call out box above). Because of the PPC’s outstanding service and advocacy efforts, **four licensing boards have voluntarily joined the PPC under the Department of Professional Licensing:** the Kentucky Board of Chiropractic Examiners, the Kentucky Board of Embalmers and Funeral Directors, the State Board of Podiatry, and the Board of Optometric Examiners. However, these boards are only benefitting from administrative services and are not under “active state supervision.” Commissioner Isaac VanHoose stated, *“The Department of Professional Licensing ...recognizes the importance of maintaining outstanding administrative and legal services for each occupation licensing board.”*

“Collaboration between board members and legislators to create active state supervision is paramount in protecting occupational licensing boards from anti-trust lawsuits.”

- Secretary Gail Russell

The PPC plans to re-evaluate goals, to reflect on past efforts and to monitor further interpretations of the 2015 North Carolina Dental Supreme Court ruling. The Cabinet remains eager to work with Kentucky licensing boards and to leverage best practices from the Consortium to improve service and responsiveness to the public.

DELAWARE

REDUCING BARRIERS FOR JUSTICE-INVOLVED INDIVIDUALS—THE IMPACT

Introduction

Delaware’s commitment to reducing barriers for individuals with criminal records stemmed from a larger overarching strategy, which included the removal of unnecessarily burdensome licensing requirements. Although Delaware’s commitment is not new, the Occupational Licensing Policy Learning Consortium provided the space to bring the right people to the table and the drive to push for reducing barriers to licensing. This commitment led to Governor John Carney signing House Bill (HB) 97 into law on March 8, 2018. The bill passed unanimously without opposition.

The new law limits the impact of having a criminal record on an individual’s eligibility to obtain an occupational license. More specifically, it allows the Board of Cosmetology and Barbering the discretion to grant waivers for a felony conviction for crimes committed against a person by lowering the “waiting period” (i.e., the period after committing a felony that the individual must wait before becoming eligible for an occupational license). For some felonies, the waiting period was reduced from five to three years from conviction, while for other felonies it was reduced to two years. As a result of this new law for Cosmetology and Barbering, identical legislation for four additional occupations (plumbing examiners, HVARC examiners, massage and bodywork therapists, and electrical examiners) was introduced and passed into law in the 2019 150th General Assembly.

Case study focus: The effect of House Bill 97 on addressing and reducing barriers to licensing for justice-involved individuals in Delaware.

Key findings:

- ✦ Reducing barriers to licensing for justice-involved individuals was a part of Delaware’s larger goal of supporting its population.
- ✦ Addressing public safety concerns involved educating people about the licensing process.
- ✦ The success of House Bill 97 catalyzed the passing of identical legislation across different occupations.
- ✦ Although the exact impact of these bills is yet to be determined, they are expected to benefit thousands of Delaware residents with criminal backgrounds.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Delaware’s case study are listed in Exhibit 5.

Exhibit 5. Sources of data and information used for Delaware’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">❖ Summary of Delaware’s Occupational Licensing Policy Learning Consortium application, 2018 semi-annual report, occupational licensing action plan, and several in-state technical assistance documents❖ Executive Order 60, Governor Jack Markell❖ LegiScan website, news articles, and reports
Qualitative Data	SME interviews: Senator John Walsh , Core Team Member; Sponsor of SB 43; and State Senator Representative Edward Osienki , Core Team Member; Sponsor of HB 97 and HB 124; and State Representative Secretary Cerron Cade , Core Team Member and Secretary of Labor
Quantitative Data	Data related to justice-involved population in Delaware obtained from Executive Order 27, Governor John Carney

Findings

The data collection activities listed in Exhibit 5 provided insight into the impact of legislation that aims to reduce barriers to licensing for justice-involved individuals in Delaware. There are four major findings related to the efforts in Delaware.

Reducing barriers to licensing for justice-involved individuals was a part of Delaware’s larger goal of supporting its population

An executive order issued by Governor Jack Markell on April 20, 2016, solidified Delaware’s commitment to successful occupational licensing initiatives for justice-involved individuals. Delaware Executive Order 60 created an Executive Committee, called the Delaware Professional Licensing Review Committee, to conduct a review of current requirements to obtain a professional and occupational license and registration. The goal was to identify unnecessary regulatory burdens, maintain public health and safety, ensure professional boards are not liable for anticompetitive actions, and identify areas for improvement.

In October 2016, the Delaware Professional Licensing Review Committee released its final report and recommendations. One of its recommendations was for continued work toward **reducing unnecessary barriers for justice-involved individuals by creating a list of crimes that are substantially related to the sought-after profession**. This recommendation was then reflected in Delaware’s state grant application summary for the Consortium, in which the key strategy to identify opportunities to reduce the negative effects of a person’s criminal history was highlighted.

Although this executive order sparked Delaware’s drive toward reducing barriers to occupational licensing for the justice-involved population, the Consortium propelled the state further by bringing the needed stakeholders into the conversation. *“This wasn’t our first conversation about professional regulation in this regard in general. We had been having slow build conversations,”* Secretary Cerron Cade said. But *“the fact that we had these new members come in this year was a real game changer,”* he continued. In fact, after HB 97 passed, another executive order was signed by Governor John Carney on December 4, 2018, creating the Delaware Correctional Reentry Commission (DCRC). The DCRC is tasked with overseeing the implementation and creation of efficient and effective reentry initiatives that are rooted in evidence and reduce duplicative efforts.

Addressing public safety concerns involved educating people about the licensing process

Although HB 97 faced no opposition when being drafted and introduced in both chambers, one of the more recent bills addressing accessibility to Plumbing and Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) examiner licenses, HB 124, received pushback. Concern over the language on the 10-year look-back period was brought to the attention of the sponsor, Representative Edward Osienki. The concern revolved around the possibility that an individual convicted for a serious infraction of the law, such as manslaughter, would not be denied a license. However, the Delaware Department of Corrections rehabilitates individuals coming out of the justice system *“and then an applicant would still have to pass all the requirements to be issued a plumber’s license,”* said Representative Osienki. With the concern addressed, the bill passed in both the House and Senate without further opposition.

“We recognize people with criminal history have issues entering the job market and sometimes these licensure laws become overly burdensome and restrictive. They create barriers to economic stability for individuals with records and most of these bills help ensure that convictions are recent and relevant.”

– Senator John Walsh

The success of House Bill 97 catalyzed the passing of identical legislation across different occupations

After HB 97 was signed into law, **identical legislation** was introduced for **electricians, real estate agents, HVACR professionals, and massage therapists**. As shown in Exhibit 6, the four pieces of legislation all modify the impact of criminal history for a different occupation. For example, HB 124 was passed in June 2019, modifying the impact of criminal history on licensure for Plumbing and HVACR examiners. Three of the bills, HB 124, Senate Bill (SB) 43, and SB 7, were signed by Governor Carney on August 12, 2019. Exhibit 6 illustrates the details for each of these bills.

Exhibit 6. Legislation targeting barriers to licensure for individuals with a criminal history, across different occupations

	House Bill 124	House Bill 7	Senate Bill 43	Senate Bill 118
Status Date	Signed Aug 12, 2019	Signed Aug 12, 2019	Signed Aug 12, 2019	Engrossed (50% progression) Jun 18, 2019
Occupations	Plumbing & HVACR Examiners	Massage & Bodywork	Electrical Examiners	Real Estate Services, Brokers, Associate Brokers, and Salespersons
Primary Sponsor	Representative Osienski	Representative Minor-Brown	Senator Walsh	Senator Brown
Votes	Senate. 21 Yes, 0 No House. 38 Yes, 1 No	Senate. 19 Yes, 1 No House. 39 Yes, 0 No	Senate. 20 Yes, 0 No House. 41 Yes, 1 No	Senate. 19 Yes, 0 No

Although the exact impact of these bills is yet to be determined, they are expected to benefit thousands of Delaware residents with criminal backgrounds

The culmination of the four bills will impact the access that justice-involved individuals in Delaware have to obtaining occupational licenses. As indicated in Exhibit 7, this includes thousands of individuals.¹² Reducing the barriers to occupational licensure for this population is intended to reduce recidivism rates in Delaware. *“The best way to do this is of course securing a good job,”* said Representative Osienski. It is especially important for industries experiencing a shortage in applicants. For example, in the construction field there is a growing need for skilled workers, who are being barred from the occupation due to such stringent barriers. *“We need to reduce these barriers so people that have made mistakes in their life can correct them and get a decent-paying job,”* said Representative Osienski.

¹² Exec. Order No. 27 (Delaware). <https://governor.delaware.gov/executive-orders/eo27/>

Exhibit 7. The breakdown of the population of justice-involved individuals that the five bills will impact

Data on the impact of HB 97 on recidivism rates for justice-involved individuals who become employed as a licensed cosmetologist or barber are not yet available, but this information could be collected in the future to provide evidence of the impact of the legislation.

During the past three years, two executive orders were signed to reduce barriers for justice-involved individuals to reenter the workforce, and five bills were passed substantially reducing the number of unnecessary regulations halting individuals with a record from obtaining a license. These bills are just a handful of the occupational licensing regulations initiatives and those specifically targeting justice-involved Delawareans. Although major progress has been made since 2016, Delaware's journey toward occupational licensing review for justice-involved individuals is not over. With the commendable work of the Delaware Correctional Reentry Commission, Delaware continues to help prisoners prepare for release and find careers in order to reduce the chances of preventable reentry into the system.

WISCONSIN

WISCONSIN ACTS 278 & 319—PROCESS AND IMPACT

Introduction

During Wisconsin’s 2017–2018 legislative session, several bills were introduced focusing on occupational licensing with the goal of reducing barriers to licensure, especially for groups that have higher unemployment rates. Prior to the legislative session, Governor Scott Walker announced a priority to deregulate industries in order to promote job growth. This aligned with Wisconsin’s efforts to continue lowering its unemployment rate (reported at 3.3% in June 2019¹³). However, there was strong opposition to passing some of the bills, stemming from concerns about public safety and reasonable requirements for licensure. Wisconsin Acts 278 and 319 were the only bills that passed with bipartisan support.

Wisconsin Act 278 codifies rules allowing individuals with prior convictions to get predeterminations on their eligibility to apply for licensure. Wisconsin Act 319 sets a reduced fee for individuals making less than 180% of the poverty line and veterans who are applying for their first license in Wisconsin.

Case study focus: The process and impact of the 2017 Wisconsin Acts 278 and 319 on the disproportionately affected populations in Wisconsin.

Key findings:

- ✦ Lowering unemployment for economically disadvantaged and justice-involved individuals aligned with Wisconsin’s overarching goal of reducing barriers to licensure.
- ✦ The bills received bipartisan support with minimal opposition.
- ✦ Although the new acts are being adopted, evaluating their impact will take time.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Wisconsin’s case study are listed in Exhibit 8.

Exhibit 8. Sources of data and information used for Wisconsin’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">❖ Summary of Wisconsin’s Occupational Licensing Policy Consortium application, the 2018 semi-annual report, state’s public-facing updates, and several state-specific technical assistance documents❖ Documents about the Occupational Licensing meetings, meetings with the state facilitators, the Occupational Licensing Action Plan Draft❖ 2017 Wisconsin Act 278 & 2017 Wisconsin Act 319❖ AB 733 Hearing Materials & AB 829 Hearing Materials
Qualitative Data	SME Interviews: Anna Schwarz , Legislative Aide to Representative Cody Horlacher, who cosponsored Acts 278 and 319 Representative Jonathan Brostoff , Cosponsor of Acts 278 and 319 and State Representative Marie Jolly , Policy Aide to Senator Dan Feyen, who cosponsored Acts 278 and 319
Quantitative Data	Unemployment rate data from the Bureau of Labor Statistics ¹⁴

¹³Bureau of Labor Statistics, U.S. Department of Labor, Local Area Unemployment Statistics. Retrieved from https://data.bls.gov/timeseries/LASST55000000000003?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true

¹⁴ Ibid

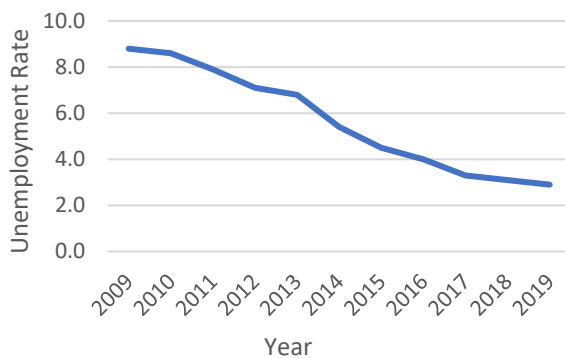
Findings

The data collection activities listed in Exhibit 8 provided insight into the process that Wisconsin utilized and the challenges it faced when attempting to pass licensure legislation. They also provided context for Wisconsin’s efforts to continue removing barriers to licensure for disadvantaged populations. There are three major findings related to the efforts in Wisconsin.

Lowering unemployment for economically disadvantaged and justice-involved individuals aligned with Wisconsin’s overarching goals

Wisconsin Act 278 and Wisconsin Act 319 were part of a larger agenda from the administration of the previous governor, Scott Walker. The administration aimed to reduce barriers to licensure and continue lowering the unemployment rate in Wisconsin, especially for traditionally high-unemployment populations. The unique challenges to passing legislation designed to aid justice-involved individuals and economically disadvantaged individuals were relatively minor. As illustrated in Exhibit 9, the unemployment rate for the general population in Wisconsin was at a 10-year low as of June 2019.

Exhibit 9. Unemployment rate (June 2009–June 2019)



For individuals with prior convictions, the biggest concern from constituents was public safety. Wisconsin Act 278 allows for individuals with a criminal record to request a predetermination for a license; that is, to find out if their criminal history would prevent them from obtaining a license for a specific occupation prior to pursuing the licensing requirements. It is noteworthy that Act 278 did not add more protections against employment discrimination for individuals with prior convictions.

For individuals with an income of less than 180% of the poverty line, there are many other barriers

to licensure that still need to be addressed. Ms. Marie Jolly said of Act 319, which allows individuals making less than 180% of the poverty line to pay a reduced fee for licensure, *“I think our thought process is, a lot of these occupational credentials require lots of training. I mean, is the fee the largest hurdle that people are crossing in order to get their credential? No. But, is it one way that we could help them in the process? Yes.”* Therefore, reducing the fee was one way of reducing a barrier for licensees.

Interviewees indicated that the two bills passed with little to no opposition because they were widely supported by a number of interest groups, they received bipartisan cosponsorship from policymakers who had pushed back against prior efforts to pass occupational licensing legislation, and they were perceived as being of low risk of harm to the public.

The bills received bipartisan support with minimal opposition

Interest groups such as the Badger Institute, Americans for Prosperity, and Legal Action strongly supported passing Wisconsin Acts 278 and 319. Wisconsin Act 278 provided a few minor updates to an existing Wisconsin act that prevents employment discrimination against formerly convicted individuals, making this bill an easy one to pass. The bill was perceived as maintaining the needed level of public safety concerns while also providing **a way for justice-involved individuals to know whether their prior convictions would prevent them from obtaining licensure** before attempting a potentially long and costly licensure process.

Wisconsin Act 319 required some compromise but also passed with bipartisan support. Ms. Jolly stated that the bill originally called for a complete waiver of fees, but some representatives wanted applicants to make a monetary investment to show their sincere intent to obtain licensure, so the waiver was **changed to require applicants to pay 10% of the fee**. Representative Jonathan Brostoff indicated that there were initial concerns about the decrease in funds that the Department of Safety and Professional Services (DSPS) would receive as a result of the fee reduction but that the **bipartisan support overcame the relatively minor decrease in funding**.

Although the new acts are being adopted, evaluating their impact will take time

The ultimate purpose of the acts was to increase the overall number of individuals licensed in the state of Wisconsin. Neither of the acts include requirements to measure impact, and their impact is not yet fully known because they only went into effect in December 2018.

Specific to Wisconsin Act 278, the most direct measure of impact is **to what degree justice-involved individuals are using the predetermination process** to find out if they are eligible for specific forms of licensure. The act has already had an impact, insofar as DSPS staff are already processing the predetermination applications. Ms. Anna Schwarz said, *“I’ve spoken with the agency and individuals that have been working through the predetermination process, so that’s actively operating.”* However, the agencies are still undergoing rule making, and there is no official plan in place to measure the long-term impact of the bill. Stakeholders do intend to look at the number of times the predetermination process from Act 278 is requested.

Wisconsin Act 319 has already had an impact, insofar as the option to apply for the fee reduction for first-time applicants making less than 180% of the poverty line has been added to the department’s licensure application forms. For Wisconsin Act 319, the most direct measure of impact is the **number of licensure applications in which applicants have applied for the fee reduction**. Ms. Jolly indicated there would likely be an effort to identify the number of applications requesting the fee reduction from DSPS in order to report on the impact.

UTAH

REDUCING BARRIERS FOR MILITARY SERVICE MEMBERS AND SPOUSES—THE NEED AND PROCESS

Introduction

Utah’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified strengthening portability and barriers to licensure for certain populations as an area of focus. The Consortium helped Utah focus and refine the issue as well as involve the appropriate stakeholders. Through these initial conversations, Utah identified military service members and their spouses licensed in other jurisdictions as a population unable to practice while stationed in Utah.

Therefore, Senate Bill (SB) 227 was conceived in Utah’s 2018 General Session, modifying occupational and professional licensing requirements for military service members and their spouses. More specifically, SB 227 was based on a similar bill passed in 2011 to expand the reach of the licensing exemption for service members and their spouses to the occupations missed in the previous bill. Both bills reflect Utah’s overarching commitment toward reducing barriers to occupational licenses in cases when certain requirements are determined to be unnecessary or overregulated.

Case study focus: The process of developing Senate Bill 227 in Utah and how the need to reduce barriers to occupations for military spouses was identified.

Key findings:

- ✚ This legislation built upon the effort of a previous bill (House Bill 384), broadening the reduction of barriers to occupational licensing to all licensed occupations in Utah.
- ✚ School districts voiced concerns about the language of Senate Bill 227, which were resolved through open communication and collaboration.
- ✚ The Occupational Professional Licensing Review Committee plans to continue work that will encourage portability among licensed occupations in Utah.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Utah’s case study are listed in Exhibit 10.

Exhibit 10. Sources of data and information used for Utah’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none"> ❖ Summary of Utah’s Occupational Licensing Policy Learning Consortium application, 2018 semi-annual report, occupational licensing action plan, and state-specific technical assistance documents ❖ Utah’s state legislature website, news articles, and reports
	SME Interviews: Senator Todd Weiler , Core Team Member; Sponsor of SB 227; State Senator, and Attorney, Christensen & Jensen Peter Asplund , Core Team Member; Writer of SB 227; and Associate General Counsel, Utah Office of Legislative Research and General Counsel Mark Steinagel , Executive Director of Division of Occupational and Professional Licensure (DOPL) and Division Director, Utah State Government
Quantitative Data	Statewide population data

Findings

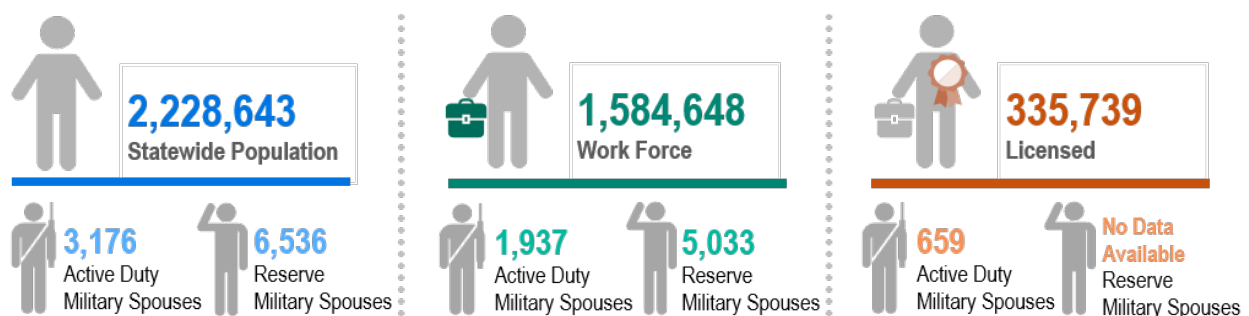
The data collection activities listed in Exhibit 10 provided insight into the process of drafting and passing the bill that helps reduce barriers to occupational licensing for military service members and their spouses. They also provided information on how the need for this bill was identified. There are three major findings related to the efforts in Utah.

This legislation built upon the effort of a previous bill (House Bill 384), broadening the reduction of barriers to occupational licensing to all licensed occupations in Utah

In 2011, Representative Tim Cosgrove introduced House Bill (HB) 384, providing exceptions to professional state licensure for veterans and spouses of active duty military service members. This bill included professions that fall under an agency called the Division of Occupational and Professional Licensure (DOPL), a division of the Utah Department of Commerce. DOPL regulates about three quarters of Utah's professional licenses.

The **previous bill (HB 384) did not include about 25% of licensed occupations** in Utah. This omission, coupled with the personal experiences of military service members and their spouses¹⁵ in the remaining quarter of Utah's licensed professions, led those on the Core Team for the Consortium to ask, "*Why [do] DOPL professions get this spouse exception but not all professions?*" Mr. Peter Asplund explained, "*[The Consortium] reignited interest in the issue. Even though it had been in DOPL for a number of years, people hadn't really been taking advantage of it.*" As shown in Exhibit 11,¹⁶ 34% of active duty military spouses who work in Utah are licensed. In contrast, 21% of the overall workforce in Utah is licensed, indicating a disproportional need for this type of legislative initiative.

Exhibit 11. Demographics of active duty and reserve military spouses across Utah



¹⁵ Garbarino, M. (2018). New Utah law eases licensing for military spouses. *75th Base Wing Public Affairs*. Retrieved from <https://www.hill.af.mil/News/Article-Display/Article/1482682/new-utah-law-eases-licensing-for-military-spouses/>

¹⁶ "Estimates of Resident Population Age 18 Years and Older for the States: July 1, 2018 (SCPRC-EST2018-18+POP-RES)," U.S. Census Bureau, Population Division, Release Date: December 2018. Active duty (Regular Component) military spouses (Army, Navy, Marine Corps, Air Force and Coast Guard), by Zip Code of residence, aggregated by State, Source: Defense Eligibility Enrollment Reporting System, Data as of October 25, 2018. Reserve spouses (Selective Reserve: Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard and Air Force National Guard), by Zip Code of residence, aggregated by State, Source: Defense Eligibility Enrollment Reporting System matched to sponsors in Reserve Component Common Personnel Data System, Data as of January 8, 2019.

Civilian labor force by state (for October 2018), seasonally adjusted, Bureau of Labor Statistics, Economic News Release, Table 1, December 21, 2018. Estimates of working Regular spouses have been calculated by multiplying the number of Regular Component spouses identified as residing in each State by 61 percent, which is the percentage of Regular spouses who self-identified as being in the workforce, either employed or unemployed, but not in the Armed Forces, in the 2017 Survey of Active Duty (Regular) Spouses, Tabulations of Responses; Office of People Analytics Report No. 2018-006, May 2018. Estimates of working Reserve spouses have been calculated by multiplying the number of Reserve spouses identified as residing in each State in by 77 percent, which is the percentage of Reserve spouses who self-identified as being in the workforce, either employed or unemployed, but not in the Armed Forces, in the 2017 Survey of Reserve Component Spouses, Tabulations of Responses; Office of People Analytics Report No. 2018-001, January 2018.

State workforce estimates based upon applying percentage of licensed workforce to workforce estimates for each State provided in of this report. Percentage of licensed workforce for each State is from Morris M. Kleiner, "Reforming Occupational Licensing Policies," The Hamilton Project, Brookings Institute, January 2015, Table 2. Estimate of licensed Regular spouses based upon multiplying the number of working Regular spouses identified in each State by 34 percent (the percentage of Regular spouses who self-identified as needing a State issued license to work); 2017 Survey of Active Duty (Regular) Spouses, Tabulations of Responses; Office of People Analytics Report No. 2018-006, May 2018.

The language in SB 227 was based upon that of the previous bill, HB 384. **The Consortium and the introduction of the new bill provided the drive and publicity needed** for Utah to reconsider the occupational licensing regulations for military service members and spouses of active duty military service members while maintaining public protection. *“In my mind, this was the trial balloon toward maybe broadening this [licensing exemption] potentially to everyone,”* explained Senator Todd Weiler. In other words, this bill could open the door for Utah to pass further licensing portability exemptions for other populations and potentially all licensed individuals moving to Utah. House Bill 384 provided legislative language that was effectively implemented over a period of eight years, while the Consortium brought the right individuals together to identify this legislative gap and target the initiative efforts toward the entire population of military service members and spouses living in Utah.

Military Spouse—Personal Experience

“Licensing requirements **vary from state-to-state**, and they are often **overwhelming, frustrating, time consuming and expensive**, which is difficult to manage if you can’t get a job until you have a license in that state,” said Danielle Lankford, a military spouse, non-profit fundraiser, and volunteer for Hiring our Heroes.

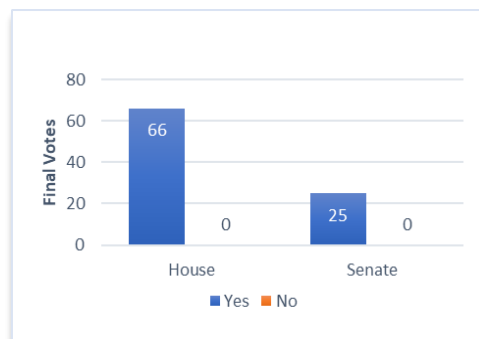
Lankford, who chairs the Military Spouse Professional Network, said she wanted to be a teacher, but decided against it because any job that required state licensing wasn’t ‘transportable’ and didn’t make sense for her because of the variance in state licensing requirements. She knows spouses who have had to **choose between losing their careers and remaining behind as their spouses move out-of-state** to new military assignments.

– Micah Garbarino, *75th Air Base Wing Public Affairs*

School districts voiced concerns about the language of Senate Bill 227, which were resolved through open communication and collaboration

The passing of SB 227 not only reignited interest in reducing barriers for military individuals and their spouses but also revealed potential problems with the bill language. While the bill passed in the House without opposition (see Exhibit 12), the bill did receive some pushback after being passed.

Exhibit 12. Final votes for SB 227



The pushback came from school districts that pointed out a **potential problem with the applicability of the bill to teachers**. *“The school districts felt like there were other rules that said they [teachers] had to be licensed by the state or that there were other provisions in the rules from the Board of Education. It probably would have had to be fixed legislatively if it couldn’t be solved by talking with the Board of Education directly,”* explained Mr. Asplund. Conversations with the Board of Education resolved this pushback without having to address the issue legislatively. This misunderstanding marks the only pushback the bill received.

The Occupational Professional Licensing Review Committee plans to continue work that will encourage portability among licensed occupations in Utah

Utah’s drive toward further occupational licensing regulation best practices will continue for military families as well as the overall population. For example, Senator Weiler, the chair of the Occupational Professional Licensing Review Committee (OPLR) said, *“We are almost halfway through a 10-year*

assignment of reviewing all the licenses in the state. So, I think some of the barriers we might just eliminate all together, and other ones, we might just relax the requirements if people are already licensed in that profession in another state.” It is an **incremental approach requiring all stakeholders to be a part of the conversation** and a part of the effort. This work will aid Utah in enhancing the portability of certain occupational licenses across state lines, ultimately attracting more work and more people to Utah.

CONNECTICUT

MINORITY TEACHER RECRUITMENT AND RETENTION ACT—NEED AND PROCESS

Introduction

Connecticut has a high proportion of minority students compared to minority teachers. Past efforts to address this shortage of minority teachers have included offering college scholarships that would encourage individuals from minority backgrounds to pursue a career in teaching. However, this was not successful in significantly increasing their numbers because most minority teachers don't become teachers right out of college but, rather, after pursuing other careers. Strategies such as pursuing reciprocity agreements with neighboring states and attempting to recruit from Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs) have also not led to a significant change in the number of minority teachers. The 2018 Minority Teacher Recruitment and Retention Act represents the first comprehensive effort to understand and upend the specific barriers minorities face in entering the teaching profession in the state of Connecticut.

Case study focus: The process of developing and passing the Minority Teacher Recruitment and Retention bill (Senate Bill 455) and how it was identified as a goal in Connecticut.

Key findings:

- ✚ The academic achievement gap among minority students and underrepresentation of minority teachers led to the identification of the need to recruit and retain minority teachers.
- ✚ Existing Alternative Route to Certification (ARC) programs were not working for minorities.
- ✚ The bill was developed and promoted by a wide spectrum of respected stakeholders.
- ✚ Proposing evidence-based strategies helped gain support from key stakeholders.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Connecticut's case study are listed in Exhibit 13.

Exhibit 13. Sources of data and information used for Connecticut's case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none"> ❖ Summary of Connecticut's Occupational Licensing Policy Learning Consortium application, the 2018 semi-annual report, and several state-specific technical assistance documents ❖ The Minority Teacher Recruitment and Retention Act (Public Act 18-34) ❖ An Act Concerning Teacher Certification Requirements for Shortage Areas, Interstate Agreements for Teacher Certification Reciprocity, Minority Teacher Recruitment and Retention and Cultural Competency Instruction (Public Act 15-108)
Qualitative Data	SME Interviews: Senator Douglas McCrory , Task Force Member, Minority Teacher Recruitment Task Force and State Senator Senator Gary Winfield , Task Force Co-Chair, Minority Teacher Recruitment Task Force and State Senator
Quantitative Data	<ul style="list-style-type: none"> ❖ Population demographics for teachers and students in the state of Connecticut ❖ 2017 National Assessment of Educational Progress data

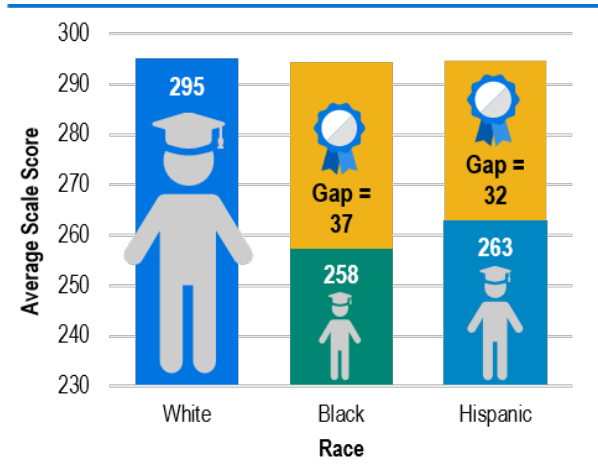
Findings

The data collection activities listed in Exhibit 13 provided insight into the process of developing and passing the Minority Teacher Recruitment and Retention Act. These activities also provided information on how minority teacher recruitment and retention was identified as a goal. There are four major findings related to the efforts in Connecticut.

The academic achievement gap among minority students and underrepresentation of minority teachers led to the identification of the need to recruit and retain minority teachers

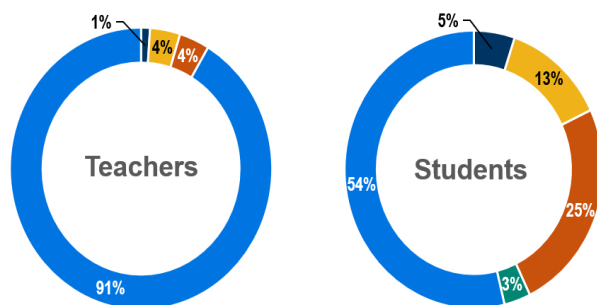
The process for developing the Minority Teacher Recruitment and Retention Act started with passage of Public Act 15-108 in 2015, which introduced changes to teacher certification requirements and established the Minority Teacher Recruitment Taskforce. Two major factors contributed to this legislative effort to increase the representation of minority teachers in Connecticut. First, per the National Assessment of Educational Progress, in 2017 **Connecticut ranked seventh in having the highest achievement gap** between White and Black students in the eighth-grade mathematics assessment. As illustrated in Exhibit 14, achievement gaps for other non-Asian minorities were similarly large.¹⁷ This led senators to recognize that the state would have to engage in efforts to make sure that its education system was serving all students equitably.

Exhibit 14. Grade 8 math achievement gap



Second, senators reviewed education research¹⁸ suggesting that being taught by a diverse group of teachers helps close the achievement gap between non-Asian minority and White students. However, as illustrated in Exhibit 15, 2017 data from the Connecticut State Department of Education suggested that

Exhibit 15. Demographics for teachers and students (2017)



Legend: * Asian Black or African American Hispanic or Latino Two or More Races White

*Data was not significant enough to display three categories: American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, Two or More Races (Teachers only), Not Reported

the **representation of minorities in the teaching population in Connecticut (9%) lagged far behind the representation of minorities in the student population (46.4%).**¹⁹ Considering these factors and with the understanding that, as Senator Douglas McCrory shared, “*all students, especially students of color, do well when they are taught by a diverse teaching population*”,²⁰ the need to recruit and retain minority teachers was identified as a state goal.

¹⁷ National Center for Education Statistics, *NAEP Data Explorer*, <http://nces.ed.gov/nationsreportcard/naepdata/>

¹⁸ National Education Association, *Teacher Diversity*, <http://www.nea.org/home/15200.htm>.

¹⁹ Connecticut State Department of Education, *EdSight*, <http://edsight.ct.gov/SASPortal/main.do>

²⁰ Carver-Thomas, D. (2018). Diversifying the teaching profession through high-retention pathways. Retrieved from https://learningpolicyinstitute.org/sites/default/files/product-files/Diversifying_Teaching_Profession_BRIEF.pdf

Existing Alternative Route to Certification (ARC) programs were not working for minorities

The Minority Teachers Recruitment Taskforce gathered information about factors that contribute to the achievement gap, compared Connecticut's teacher certification requirements to other states, and identified the biggest barriers to teaching certification for minorities. Per the interviews with Senators Douglas McCrory and Gary Winfield, the taskforce identified that **most minority teachers come to teaching as a second career**, and that **existing Alternative Route to Certification (ARC) programs were not working for minorities** in particular. Senator McCrory emphasized this, saying *"The majority of minority students who are going into the field of education (are) not coming out of the four-year program. They're career changers. So, we had to create programs to get them in there as fast as possible."* Therefore, one component of the act removed the requirement of having to obtain a bachelors' degree in the subject being taught (if coursework and other requirements were met). The act also established that the Connecticut State Department of Education would work with the Minority Teacher Recruitment Policy Oversight Council to identify and utilize successful strategies to enhance minority teacher recruitment and retention.

"Having advocates who had already worked on this [issue], had already built relationships on this issue with others in the legislature and who were...well versed and able to speak as an authority in the legislature helped."

– Senator Winfield

The bill was developed and promoted by a wide spectrum of respected stakeholders

This **bill (PA 18-34) was developed by the Joint Committee on Education** and put through a hearing process to identify gaps. Stakeholders (including legislators from the Black and Puerto Rican Caucus, representatives from educational reform groups, the Connecticut State Department of Education, and the Board of Regents from the Connecticut State University System) helped develop the bill language. The bill also had support from the Connecticut Commissioner of Education, educators, and students who wanted to see it passed. After a public hearing, the bill went to the Senate, where it was **cosponsored by nine senators** and passed unanimously. It then proceeded to the House, where it was **cosponsored by 30 representatives** and again passed with all in favor.

"Oftentimes if you have an idea and you think it's a great idea, all you need to do is let other people have a chance to talk to you about it and you'll discover it's not as good as you think it is. And...that's how we sorted out what was to be in the bill and what was not to be in the bill."

– Senator Winfield

Proposing evidence-based strategies helped gain support from key stakeholders

This bill was one step toward achieving universal student success. From Senator McCrory's point of view, this act had broad bipartisan support and faced little opposition because the overall aim of the bill was to help students succeed in their education, and regardless of political party affiliations, *"everyone wants kids to be successful."* Initially, the bill faced some opposition from industry, specifically from teachers' labor unions. The labor unions did not support changing the certification requirements and were **concerned that this act would make it too easy to get into the profession**. In response, senators presented facts on the success of teachers that have gone through ARCs in the past. Having legislative and industry leaders working on this bill who were able to provide recommendations for evidence-based changes helped to gain buy-in and make this legislative effort successful.

Although as of 2019, the act has not been in existence long enough to measure its impact, tracking changes in the percentage of minority teachers in Connecticut over time will provide insight into the impact of this act. The desired outcomes of the act are enumerated in the following call-out box.

Desired Outcomes: Minority Teachers Recruitment and Retention Act

Increase the number of minority teachers by 200 by 2021, with 30% of these teachers being male.

Increase the number of new minority teachers entering teacher preparation programs.

Retain existing minority teachers.

Reduce the student achievement gap.

Legislators plan to disseminate information about this act and the new ARCs through **marketing campaigns**. Legislators also plan to communicate with the Connecticut State Department of Education to make sure that the department continues to implement the changes outlined in the act and that it **has the resources it needs** to continue this work.

ILLINOIS

SUNRISE LEGISLATION—THE PROCESS AND CHALLENGES

Introduction

Illinois’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified modernizing and streamlining the application processes and reducing unnecessary regulation or barriers to job creation as key goals to focus on throughout the Consortium project. The requirement for a formal review of the information (e.g., costs, impact, benefits) before advancing with legislation (sunrise legislation) is one way of addressing and fulfilling these goals. However, passing sunrise legislation has posed certain challenges in Illinois that have proven difficult to overcome. If passed, this legislation would implement a regulatory review for those seeking licensure for a previously unregulated profession. It would help Illinois determine whether there is a public safety need or welfare need to regulate a currently unregulated profession by means of a license. Of the attempts made to pass sunrise legislation in Illinois, one occurred in 2018 during the 100th General Assembly under House Bill (HB) 5212. Another was made in 2019 during the 101st General Assembly under Senate Bill (SB) 1756. Both bills made significant progress through the chambers, but the attempts were both unsuccessful.

Case study focus: The approach Illinois adopted to pass sunrise legislation and the challenges overcome in the process.

Key findings:

- ✚ Data obtained from the Workforce Information Grant (WIG) helped identify the need for sunrise legislation.
- ✚ The Core Team faced timing and turnover challenges when trying to pass sunrise legislation.
- ✚ The sunrise legislation efforts raised awareness of licensing barriers, but an educational approach may benefit Illinois in future attempts.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Illinois’s case study are listed in Exhibit 16.

Exhibit 16. Sources of data and information used for Illinois’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">❖ Summary of Illinois’s Consortium application, 2018 semi-annual report, occupational licensing action plan, and state-specific technical assistance documents❖ Illinois’s state legislature website, news articles, and reports
Qualitative Data	SME Interviews: Ron Payne , Core Team Lead and Workforce Analysis and Dissemination Manager, Illinois Department of Employment Security Senator Pamela Althoff , Core Team Member, Sponsor and Writer of HB 5212, Retired State Senator Representative Kelly Burke , Core Team Member, Sponsor of HB 5212, State Representative

Findings

The data collection activities listed in Exhibit 16 provided insight into the process that Illinois utilized and challenges that it faced when attempting to pass sunrise legislation. There are three major findings related to the efforts in Illinois.

Data obtained from the Workforce Information Grant (WIG) helped identify the need for sunrise legislation

Each year, Illinois receives a grant called the Workforce Information Grant (WIG) from the U.S. Department of Labor’s Employment and Training Administration (ETA). As a requirement of the WIG, Illinois updates licensure data annually for the state and makes this information available to the public. Therefore, Illinois publishes two resources on the Illinois Department of Employment Security website: one listing **agency information** and another listing each **available license**.

Exhibit 17. The Illinois Department of Employment Security’s occupational classification

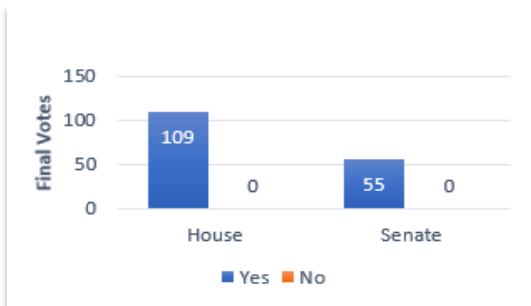


At the beginning of the Consortium project, Mr. Ron Payne, with the Illinois Department of Employment Security, leveraged the annually gathered licensure data and previously acquired data to develop a crosswalk. This crosswalk categorized occupations into different classifications, as displayed in Exhibit 17. Using the list of different occupations that are licensed, *“We assigned a Standard Occupational Classification (SOC) code to each of the licenses and we looked at the demand for those occupations,”* Mr. Payne explained. They then looked at the attached wage data for each occupation to identify high-demand, low-wage jobs. The data on Illinois occupations provided a target for the Illinois Core Team to create, reduce, eliminate, or change licensing requirements.

The Core Team faced timing and turnover challenges when trying to pass sunrise legislation

In 2018, the sunrise legislation was introduced and intended to help the state determine when licensure should be required for an unregulated occupation and when it shouldn’t be. If a need was found, it would have also provided a process of investigating what level of regulation is then needed, essentially performing a cost-benefit analysis. Under the proposed bill, the Illinois General Assembly would also have the right to adopt the least restrictive form of regulation necessary to protect the public interest. Ultimately, the proposed bill would protect Illinois from enacting unnecessary occupational licensing requirements.

Exhibit 18. Final votes for HB 5212



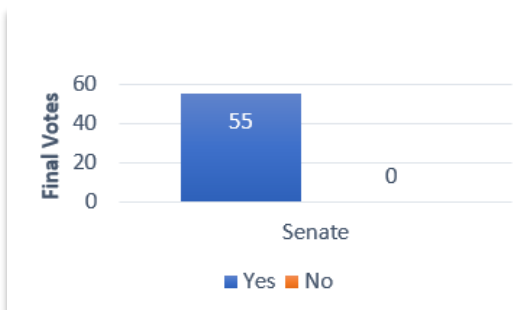
As displayed in Exhibit 18, the bill passed in the Senate with no opposition. However, it was **referred and re-referred to the Rules Committee**. In January 2019, the bill did not make it out of committee.

In the midst of this attempt, the 2018 election named J. B. Pritzker the new governor. With this administration change, many members of the Core Team left, and no new members have been added to the team since the administration transition.

“All of the right stakeholders were engaged in the effort,” Mr. Payne reflected, *“I think it was a combination of various events personally.”*

Following the transition, another attempt to pass a similar type of sunrise legislation was made in the 2019 101st General Assembly, under SB 1756. This bill would create the Regulatory Sunrise Review Act and offer similar guidance as HB 5212 from the 100th General Assembly. The new bill was filed in February 2019 and passed in the Senate in April of the same year, as displayed in Exhibit 19. However, on May 10, 2019, the bill was re-referred to the Rules Committee.

Exhibit 19. Final votes for SB 1756



The sunrise legislation efforts raised awareness of licensing barriers, but an educational approach may benefit Illinois in future attempts

Although the attempts to pass sunrise legislation were unsuccessful, the process of gaining support for the legislation did have a positive benefit. *“I think what we tried to do was just raise awareness of how much of a burden licenses can place on people that are trying to get into certain occupations,”* Mr. Payne reflected. Looking ahead, sunrise legislation remains a goal for Illinois, and the heightened state of awareness of these potential barriers may help the state pass this legislation moving forward.

In retrospect, Senator Pamela Althoff reflected that using an approach that involved educating stakeholders could have benefited the team in the process of trying to pass sunrise legislation. An educational approach could have provided all available information and included more people in the conversation. *“If we strived to get the same comfort level across the board with the [proposed] potential easier access to professions and included the legislators in the conversations, then maybe we would have received better buy-in,”* said Senator Althoff. The Core Team hopes to regroup, learn from the previous hurdles faced, and plan the next approach toward enacting sunrise legislation in Illinois. With only 20% of states having active sunrise

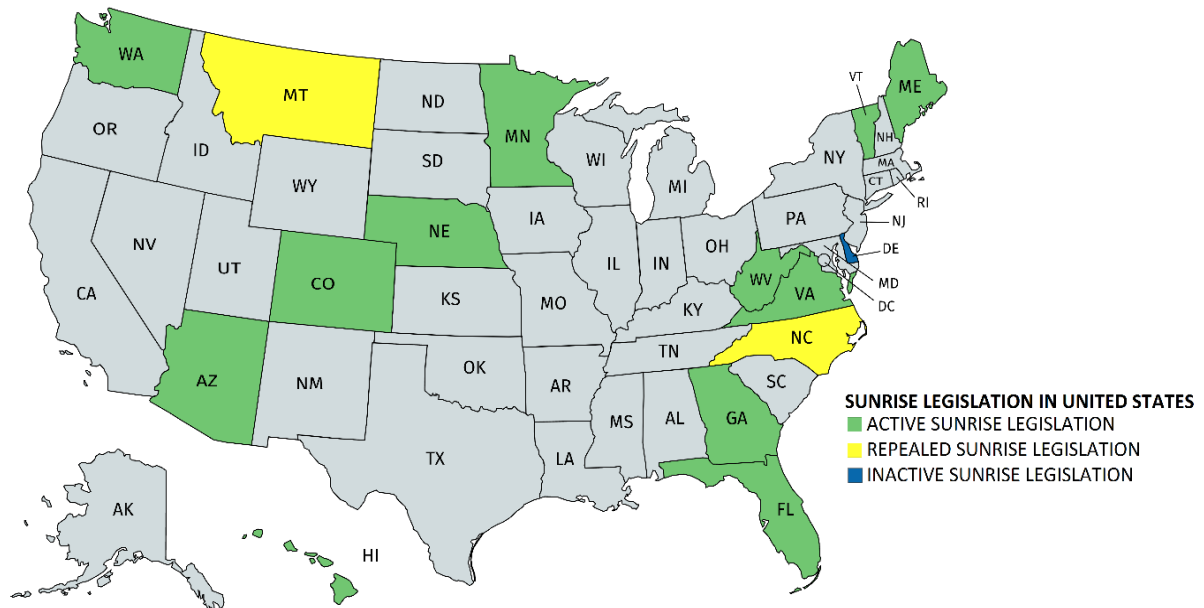


“What the legislation suggests is that there has to be research done on the proposed license on an occupation and they have to prove that it’s something that needs to be licensed.”

– Mr. Payne

legislation, as shown in Exhibit 20, success in passing this type of legislation would place Illinois at the forefront of the sunrise legislation occupational licensing initiative.²¹

Exhibit 20. A map of the states that have active (green), repealed (yellow), and inactive (blue) sunrise legislation



²¹ Council on Licensure, Enforcement and Regulation. (n.d.). *Sunrise, sunset, and state agency audits*. Retrieved from <https://www.clearhq.org/page-486181>

INDIANA

NURSING AND EMS COMPACT LEGISLATION—PROCESS AND CHALLENGES

Introduction

Indiana’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified increasing portability of licensure for targeted professionals as an area of focus. Indiana has had mixed success in this arena, successfully passing legislation for nursing licensure but failing to pass legislation for Emergency Medical Services (EMS) professionals. The Indiana 2019 General Assembly passed the Enhanced Nurse Licensing Compact (eNLC) legislation, which went into effect July 1, 2019. This was the first attempt to pass the bill, but it had been a legislative priority for Representative Ed Clere and Indiana hospitals starting in 2016. The eNLC allows Registered Nurses (RNs) and Licensed Practice Nurses (LPNs)/Vocational Nurses (VNs) to have one multistate license, with the privilege to practice in their home state and other eNLC member states without obtaining additional licenses. Having passed eNLC legislation, Indiana anticipates that more nurses will be able to move to Indiana, lowering the ratio of nurses to the population and strengthening the state’s healthcare workforce.

In 2019, Senator Ed Charbonneau introduced legislation for Indiana to enter the state into an EMS compact, known as the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA). REPLICA allows EMS professionals to move and work across state lines. This bill did not receive substantial support from the rescue and emergency services community. Knowing the bill was unlikely to pass without their support, Senator Charbonneau elected not to have the bill read in committee.

Case study focus: The processes, challenges, and lesson learned from passing nursing compact legislation in Indiana and the barriers that prevented the passing of Emergency Medical Services compact legislation.

Key findings:

- ✦ eNLC succeeded because of widespread and carefully cultivated support.
- ✦ REPLICA focused on a high-priority need, but key stakeholders did not have adequate familiarity with the bill, and labor unions had concerns about a host of issues.
- ✦ eNLC may offer a blueprint for Indiana’s continuing efforts to pass REPLICA.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Indiana’s case study are listed in Exhibit 21.

Exhibit 21. Sources of data and information used for Indiana’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none"> ❖ Summary of Indiana’s Occupational Licensing Policy Learning Consortium application, the 2018 semi-annual report, and several state-specific technical assistance documents ❖ Notes from occupational licensing meetings and state facilitators meetings, the Occupational Licensing Action Plan Draft, and Health Workforce Licensing Session Plans ❖ House Bill 1344
Qualitative Data	SME Interviews: Dr. Michael Kaufmann , Core Team Member and Indiana State EMS Medical Director Dr. Ken Sauer , Core Team Member, Senior Associate Commissioner, and Chief Academic Officer, Indiana Commission for Higher Education
Quantitative Data	Data on eNLC and REPLICA participant states

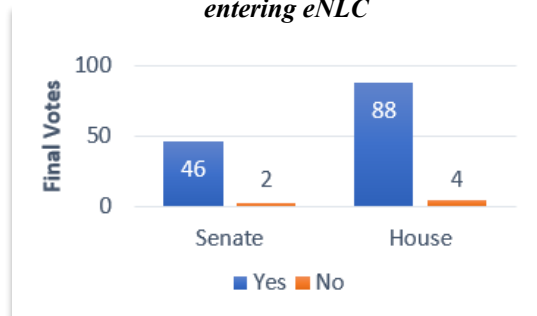
Findings

The data collection activities listed in Exhibit 21 provided insight into the process that Indiana utilized and the challenges it faced when attempting to pass licensure compact legislation. They also provided context for Indiana’s efforts to continue strengthening its health care workforce. There are three major findings related to the efforts in Indiana.

eNLC succeeded because of widespread and carefully cultivated support

Indiana joined eNLC with bipartisan support and the support of several state associations. Joining the eNLC, introduced by Representative Clere, is expected to increase the number of licensed nurses in

Exhibit 22. Final votes in Indiana legislatures for entering eNLC



Indiana by increasing the mobility of nurses from other states into Indiana. The legislation passed through the Senate and the House, with little opposition (see Exhibit 22).

The Governor’s Health Workforce Council, established in 2016, had been focusing on the topic of nursing. In talking about the nursing workforce in Indiana, Dr. Ken Sauer shared that the state has long dealt with a “*perennial shortage of [qualified] nurses,*” and tackling this shortage in the workforce has been a state priority.

Although nurse shortages are common across many states, by joining the eNLC, Indiana opens the door to a much larger pool of qualified licensed nurses to meet Indiana hospitals’ workforce needs. The **State Nurses Association** and **Indiana hospitals**, particularly those in close proximity to the Indiana-Kentucky state line, also provided support for the legislation. It also received a lot of support for **addressing the state’s nursing shortage** and for increasing the value of each individual nurse’s licensure, thus **promoting portability**.

REPLICA focused on a high-priority need but key stakeholders did not have adequate familiarity with the bill, and labor unions had concerns about a host of issues

As a public safety issue, REPLICA is a legislative priority for the Indiana Department of Homeland Security. In talking about the EMS workforce in Indiana, Dr. Michael Kaufmann stated that there has been a **decline in licensed Emergency Medical Technicians (EMTs) in Indiana since 2010** and that this shortage in the workforce presents a **public safety issue**. In addition, there is currently a **lack of clarity among EMTs about jurisdiction and communication across states**. For example, EMTs may not know if they can help individuals to whom they may be the closest emergency responders if it involves crossing a state line. REPLICA offers a potential solution to these issues. By joining REPLICA, EMTs with an interstate licensure could safely know they are qualified to provide emergency services in the bordering state. Being a part of REPLICA would also open the lines of communication between compact states in instances of sanctions and disciplinary action.

REPLICA was drafted at the national level with the aid of fire fighters and rescue, first aid, and emergency workers to make sure that there was buy-in from relevant stakeholders at the national level. Dr. Kaufmann shared that the REPLICA legislation caught individuals who were not involved in the

“Let’s say an EMS provider (paramedic) gets caught stealing a controlled substance like fentanyl. They’re most likely going to have their license suspended. Currently, there’s nothing that prevents that individual from going across the river into another state and applying for licensure because the states don’t talk to each other when it comes to sanctions taken against a provider’s license.”

– Dr. Kaufmann

drafting of the compact off guard. As a result, *“They didn’t know the benefits. People hadn’t had time to really study it, get background information on it, and I think that’s what its downfall was. I think that’s why it ultimately didn’t pass.”*

According to Dr. Kaufmann, the International Association of Fire Fighters (IAFF) was consulted when drafting the EMS compact but ultimately came out in opposition to the final wording. This was largely owing to technical issues that the compact did not seem to address. The lack of support from the IAFF obstructed the bill from progressing until additional support could be garnered.

When considering REPLICA, the IAFF voiced concern that compacts can be used to bring in workers from neighboring states to **replace striking workers**. The IAFF was concerned that flooding the labor market with newly licensed people would lower wages for labor union members, which in turn would affect the employability of EMTs in the state. Additional concerns from the IAFF included the **interoperability of communications systems, the cross-state movement of emergency vehicles**, and potential **confusion over established protocols and procedures**.²² Other concerns arose about the **funding source for background checks**. Currently in Indiana no individuals are charged for background checks for licensure certification as an EMS provider but participating in REPLICA would introduce additional costs. The additional costs would either need to be funded by the states in the compact or by the individuals seeking licensure.

eNLC may offer a blueprint for Indiana’s continuing efforts to pass REPLICA

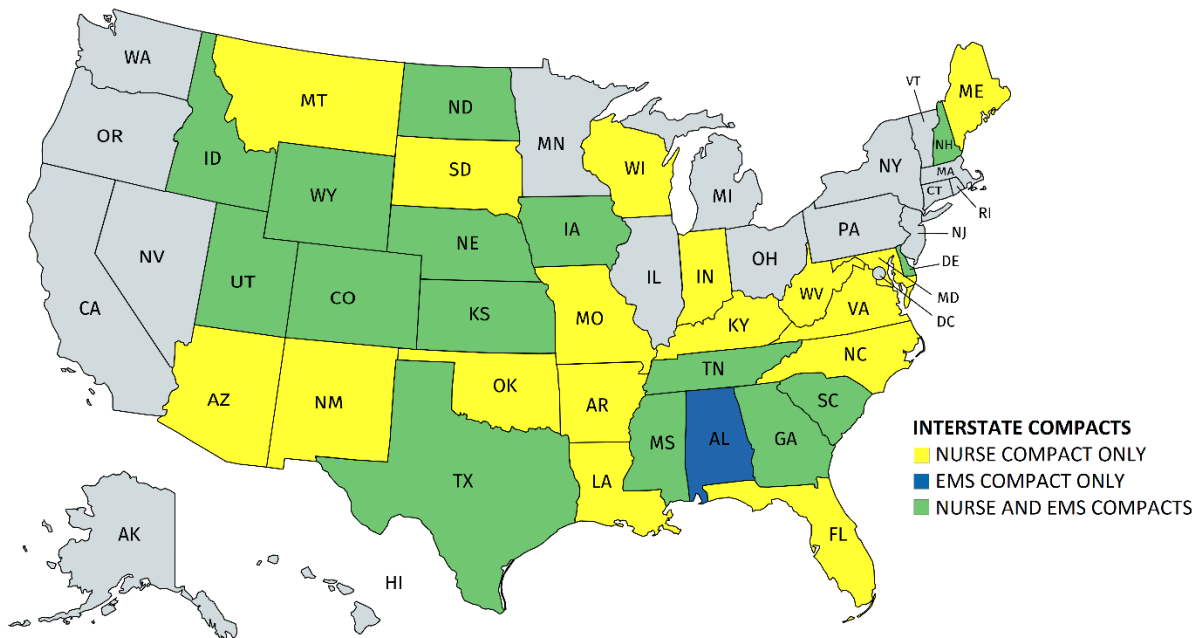
Having recently joined eNLC, Indiana is set to reap its benefits while continuing to strive in its efforts to join REPLICA. The eNLC did not face substantial opposition. Dr. Sauer indicated that *“the Hospital Association or the Nursing Association, if there had been really significant opposition, I think you could have had a different outcome.”* However, because so many constituents supported the legislation, there was enough momentum to get the vote passed by a very large margin (Exhibit 22). It will be some time before the impact of the compact can be measured. However, if proponents of the eNLC compact can demonstrate the intended positive impacts of **addressing the workforce shortage**, adding value to the nursing license with **increased portability**, and **meeting the public health and safety needs** of Indiana, it would give REPLICA a positive example to hold up when convincing stakeholders to sign on to future REPLICA legislation.

Unlike eNLC, which passed with support from worker associations and employers, REPLICA was not read in committee and did not progress to a vote. However, the efforts to join REPLICA are far from over. The IAFF still has several concerns with the legislation and has publicly opposed the compact, but Indiana’s **EMS agencies plan on meeting with the IAFF** to study the concerns they have raised. The EMS agencies also plan to work with the IAFF to try to reconcile their concerns and win their support. The EMS compact is also currently **updating draft rules that have been put into place at a national level**, which may allay some of the concerns of the IAFF. It is likely that REPLICA will be reintroduced in subsequent legislative sessions, with lessons learned from the success of eNLC.

²² IAFF Firefighters. (n.d.). Retrieved from <http://client.prod.iaff.org/#page=FireAndEmsOperations>

Dr. Sauer remarked that getting reciprocity legislation is “*always easier when you can point to contiguous states...but, some states have to be early adopters or lead the pack...[and] once the positive outcomes become known, people talk to one another.*” With these measures of impact, **Indiana may lead the way for its neighbors**, the contiguous states of Illinois, Ohio, and Michigan, to eventually follow them in joining the nursing interstate compact. By joining the eNLC compact, Indiana joined more than 30 states (highlighted in yellow and green in Exhibit 23) in increasing the portability of nursing licenses. If Indiana joins the EMS compact (REPLICA), it will be joining 16 states (highlighted in green and blue in Exhibit 23) in increasing the portability of EMS licenses.

Exhibit 23. A map of the states that have joined eNLC (yellow), REPLICA (blue), or both (green)



NEVADA

NURSING COMPACT LEGISLATION—THE NEED, PROCESS, AND CHALLENGES

Introduction

Nevada’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified Licensed Practical Nurses (LPNs) as an area of focus. The 2017 Governor’s Office of Workforce Innovation’s (OWINN’s) report on In-Demand Occupations²³ projects an additional 1,060 LPN job openings in Nevada by the year 2024. This, coupled with limited LPN training programs in Nevada, provides indicators of a workforce shortage. LPNs serve as assistants to physicians and registered nurses (RNs), typically taking care of basic duties in settings such as hospitals, nursing homes, and long-term care facilities.

Nevada attempted to address the nursing shortage by enacting the enhanced Nursing Licensure Compact (eNLC). The eNLC allows Registered Nurses (RNs) and LPNs/Vocational Nurses (VNs) to have one multistate license, with the privilege to practice in their home state and other eNLC states without obtaining additional licenses. In 2017, nursing compact legislation was introduced in Nevada but did not pass. In 2019, the Nevada State Board of Nursing (NSBN) was unable to identify a sponsor for the bill.

Case study focus: The processes and challenges involved in attempting to pass the nursing compact legislation in Nevada and how the need to join a nursing compact was identified as a goal.

Key findings:

- ✚ Several complex factors drive the shortage of LPNs in Nevada.
- ✚ Nevada adopted a holistic strategy to combat the nursing shortage.
- ✚ Joining a nursing compact would give Nevada access to more nurses, provide more job opportunities to nurses in Nevada, and is viewed positively by the nurse workforce.
- ✚ NSBN remains committed to joining the nursing compact, despite strong labor union opposition.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Nevada’s case study are listed in Exhibit 24.

Exhibit 24. Sources of data and information used for Nevada’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">✚ Summary of Nevada’s Occupational Licensing Policy Learning Consortium application, the 2018 semi-annual report, and several state-specific technical assistance documents✚ 2017 Workforce Blueprint—Report by the Las Vegas Global Economy Alliance✚ Documents about the Nevada State Board of Nursing (NSBN) and efforts to tackle the shortage of healthcare professionals; the NSBN website, news articles, and reports✚ Assembly Bill 18: Ratifies the Nurse Licensure Compact (BDR 54-182)✚ Minutes of the 79th Session Meeting of the Assembly Committee on Commerce and Labor
Qualitative Data	SME Interviews: Cathy Dinauer , Executive Director, Nevada State Board of Nursing Michael Hillerby , Director of Legislative Affairs, Kaempfer Crowell, and Contract Lobbyist Irene Bustamante-Adams , Chief Strategy Officer, Southern Nevada’s Local Workforce Development Board; previously, Assemblywoman and Chair of Congress and Labor
Quantitative Data	NSBN survey results

²³ Lamarre, M., Potts, B., & Anderson, B. (2017). *In-Demand Occupations: Leveraging Labor-Market Data with Industry Insights to Strategically Align Nevada’s Education and Workforce*. Governor’s Office of Workforce Innovation for a New Nevada . Retrieved from <http://gov.nv.gov/uploadedFiles/govnvgov/Content/OWINN/features/InDemandOccupationsSectorCouncilReport.pdf>

Findings

The data collection activities listed in Exhibit 24 provided insight into the process that Nevada utilized and the challenges it faced when attempting to pass nursing compact legislation. They also provided information on how the need to join the compact was identified. There are four major findings related to the efforts in Nevada.

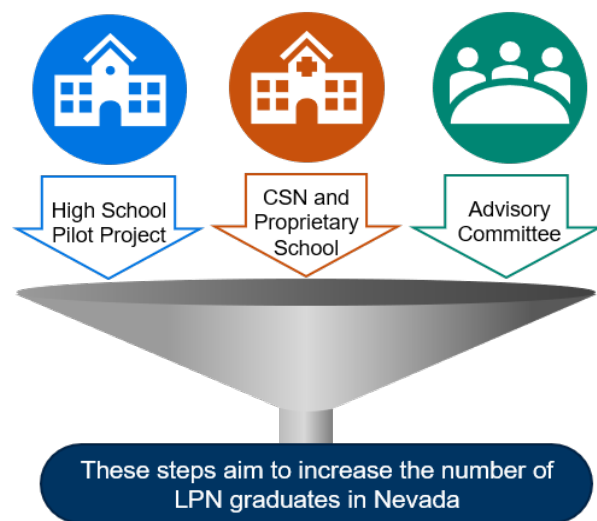
Several complex factors drive the shortage of LPNs in Nevada

The shortage of nurses in Nevada is driven by several factors. The healthcare profession is currently experiencing **rapid turnover** and a **retiring workforce**.²⁴ In addition, there is **only one LPN training program** offered in Nevada²⁵. The **high costs of both education and licensure** also deter potential applicants. Although LPNs are hired by long-term care facilities, acute healthcare facilities do not hire a lot of LPNs, which limits the type of work environments in which they can gain employment and is a potential deterrent for individuals to enter the field. All of these barriers contribute to a shortage of nurses in the state.

Nevada adopted a holistic strategy to combat the nursing shortage

Nevada is taking a multifaceted approach to address the barriers and encourage entry into the LPN profession. First, NSBN is working with the College of Southern Nevada (CSN) on a **pilot project to introduce an LPN program into high schools**. The goal is to enable 11th- and 12th- graders to earn 36 units from CSN, which would serve as a stepping-stone toward becoming an LPN. The project includes provisions that eliminate the barrier of cost for students who are not able afford the program. The project is expected to begin in a few years and will be administered through the Southwest Academy in Las Vegas.

Exhibit 25. Representation of the holistic approach Nevada has taken to combat the nursing shortage



Second, a **proprietary school** has shown interest in establishing an LPN project in the northern part of the state and is currently in the process of getting approval from NSBN. The introduction of this LPN program, along with the existing LPN program offered by CSN, will contribute to alleviating the education barrier toward an LPN career.

Third, in 2018, NSBN assembled a seven-member **LPN Advisory Committee**. This committee provides input on matters related to the scope of LPN work and barriers to LPN licensure.

As illustrated in Exhibit 25, the development of the nursing pipeline and the addition of a proprietary school will help Nevada increase the number of LPN graduates in the state, which is predicted to decrease the shortage among nursing professionals. The addition of the advisory

²⁴ U.S. Department of Health and Human Services, Health Resources and Services Administration, National Center for Health Workforce Analysis. (2017). *National and Regional Supply and Demand Projections of the Nursing Workforce: 2014-2030*. Retrieved from https://bhw.hrsa.gov/sites/default/files/bhw/nchwa/projections/NCHWA_HRSA_Nursing_Report.pdf.

²⁵ The College of Southern Nevada (CSN) offers an LPN program. <https://www.csn.edu/programs/practical-nursing>

committee is a step toward having LPN representatives advocate for their work and help identify and mitigate barriers to LPN licensure.

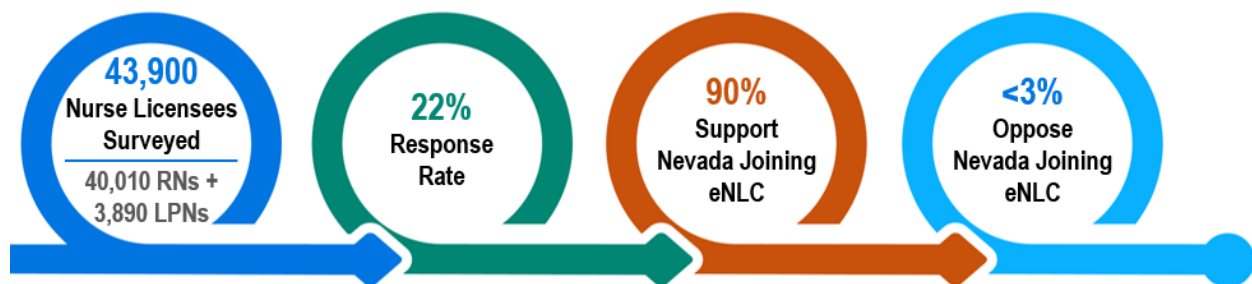
Joining a nursing compact would give Nevada access to more nurses, provide more job opportunities to nurses in Nevada, and is viewed positively by the nurse workforce

There are several potential benefits to Nevada joining the nursing compact. First, joining the nursing compact would help alleviate the shortage of nurses in Nevada by allowing nurses from other eNLC states to practice in Nevada without obtaining additional licenses. This increase in mobility could be **especially useful during emergency situations**. For example, the October 1, 2018, Las Vegas mass shooting was mentioned by Ms. Cathy Dinauer as *“a tremendous burden on the health care system. The sudden influx of patients needing immediate medical attention exacerbated the existing shortage of nurses.”* Being a part of the eNLC would help Nevada cope in situations like this because *“in a disaster situation, you could have nurses coming from surrounding states like Utah and Arizona.”*

Second, joining the nursing compact is expected to **increase employment prospects for military spouses**, an important issue for Nevada. In January 2014, Governor Brian Sandoval signed a proclamation making it the “Year of the Veteran,” calling for Nevada to become the most military- and veteran-friendly state in the nation. As a result, Nevada made the commitment to ensure that its 225,000 veterans and their families continue to be recognized for the sacrifices they have made.²⁶ NSBN believes that joining the nursing compact would assist military spouses by decreasing the amount of time, paperwork, and costs necessary to begin to practice nursing when they relocate to Nevada.²⁷

Third it’s a measure **likely to please the Nevada nurse workforce**. In 2019, NSBN conducted a survey with assistance from the National Council of State Boards of Nursing (NCSBN). As illustrated in Exhibit 26, the survey results found that more than 8,000 Nevada nurses (90% of those who responded to the survey) support joining the eNLC.²⁸

Exhibit 26. Results of the 2019 NSBN survey conducted by NSBN and NCSBN



NSBN is committed to joining the nursing compact, despite strong labor union opposition

There have been several attempts at passing the nursing compact legislation in Nevada. In 2005, NSBN suspended efforts to join the Nursing Licensure Compact (NLC) because the compact did not require licensees to undergo criminal background checks (CBCs) to obtain licensure. In 2017, the NLC was updated to the Enhanced Nursing Licensure Compact (eNLC), which required licensees to undergo CBCs. In light of the changes made to the compact requirements, NSBN attempted to pass eNLC legislation in

²⁶ Interagency Council on Veterans Affairs. (n.d.). *Nevada Veterans Comprehensive Report*. Nevada Veterans Comprehensive Report. Retrieved from <https://veterans.nv.gov/wp-content/uploads/2018/01/Nevada-Veterans-Comprehensive-Report-2017.pdf>

²⁷ Scott, D. (2015, December 17). The Nurse Licensure Compact. Retrieved from http://epubs.democratprinting.com/article/THE_NURSE_LICENSURE_COMPACT/2350650/285376/article.html

²⁸ http://epubs.democratprinting.com/article/THE_NURSE_LICENSURE_COMPACT/2350650/285376/article.html

2017. However, the bill did not progress further from Committee. The **bill received support** from AARP, the Nevada Nurses Association, HCA Inc., and Sunrise Hospital and Medical Center. **Opposition to the bill** was heard from the Service Employees International Union, Clark County Education Association, and Working Families Party.

In talking about the opposition faced during the 2017 attempt, Ms. Irene Bustamante-Adams, then Assemblywoman and Chair of the Congress and Labor Committee, said that *“they were concerned that we were going to be putting Nevadans out of work, that we were going to be getting an influx of people from California coming in and taking the jobs.”*

For the third attempt, in 2019, there was no sponsor identified for the eNLC legislation. Mr. Michael Hillerby, who assisted NSBN in identifying a strategy and sponsor, met with a variety of legislators in an attempt to educate them about the compact legislation and gauge their support. The main concerns revolved around disciplinary procedures, skepticism toward telehealth, and enabling hospitals to bring in strikebreakers more easily as a result of joining the compact. The **concerns from the labor unions**, coupled with a **newly elected governor**, contributed to no sponsor being identified for the bill. Therefore, the bill was not introduced in 2019.

Despite the unsuccessful attempts at passing compact legislation, NSBN is determined to reattempt this legislation. In preparation for this, NSBN plans on having a **detailed strategy that includes working at the grassroots level**. Based on previous attempts and experiences, the plan moving forward is to focus on **networking and educating stakeholders** prior to the next attempt. This would include meeting with stakeholder groups, including nurses and facilities.

Ms. Dinauer is also working with legislators to help them understand the importance of the nursing compact and the positive impact it could have on Nevada’s workforce and patient care. Ms. Bustamante-Adams reinforced this need by stating the importance of hearing stakeholder concerns ahead of time before the legislation is being considered. In light of the opposition this legislation has faced in the past, Mr. Hillerby suggests that this legislation could be successfully passed on the basis of good public policy rather than labor union support. Moving forward, NSBN plans to reattempt this legislation in 2021, with the support of combined efforts from NSBN, legislators, and nursing stakeholder groups.

Opposition to the Nursing Compact

2005. NLC did not require criminal background checks (CBCs). This was a nonstarter due to Nevada’s state requirement of CBCs.

2017. eNLC received significant opposition from labor unions, citing concerns that the compact may supersede state law and negatively impact healthcare quality and job security.

2019. No sponsor identified. Challenges included opposition from the unions and a change in governor.

COLORADO

REGULATORY APPROACH TO LICENSURE POLICY—SUCCESES AND CHALLENGES

Introduction

During Colorado’s first in-state Occupational Licensing Policy Learning Consortium team meeting, in February 2018, the Core Team of educators, policymakers, and regulators planned to identify regulatory requirements for licensure that are overly burdensome for certain populations. The state team focused on veterans (6.6% of Colorado’s population²⁹), individuals with criminal convictions (approximately one third of adults nationwide³⁰), and immigrant populations (9.8% of Colorado’s population³¹).

Colorado’s Department of Regulatory Agencies (DORA) worked with the Consortium to create committees of advisors and experts on the issues that each of the groups faced. The committees were the **Veterans Occupational Credentialing and Licensing (VOCAL) committee**, the **Immigrant Gap Analysis committee**, and the **Collateral Consequences committee**. Upon conducting focus groups with industry members, and town halls with legislators and the public, new regulations were adopted for barbers and cosmetologists to reduce the burden on some of the target populations. The attempt to change regulations with other occupations, such as plumbers and electricians, which may have higher risk to public safety when work is performed incorrectly, were less successful.

Case study focus: The successes and challenges of using a regulatory approach to affect licensure policy in Colorado.

Key findings:

- ✚ The VOCAL committee drove efforts that led to streamlining licensure for certain professions.
- ✚ The Immigrant Gap Analysis committee successfully passed House Bill 1290, a bill that allows for replacement of some experience hours, while maintaining the licensure exam requirement.
- ✚ The Collateral Consequences committee identified barriers to licensure for individuals with a criminal history and faced mixed reactions from stakeholders.
- ✚ Regulatory actions to streamline licensure are effective but limited without legislative backing.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Colorado’s case study are listed in Exhibit 27.

Exhibit 27. Sources of data and information used for Colorado’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none">❖ Summary of Colorado’s Occupational Licensing Policy Learning Consortium application, the 2018 semi-annual report, and state-specific technical assistance documents❖ Documents about the Occupational Licensing meetings, state facilitators meetings, and the Occupational Licensing Action Plan Draft❖ Draft Regulations❖ House Bill 19-1290 Division of Professions and Occupations Talking Points
Qualitative Data	SME Interviews: Carol Peoples , Collateral Consequences Committee Member, Founder/Executive Director, Remerg Heather Colwell , Immigrant Gap Analysis Committee Member and Student Navigator, Emily Griffith Technical College Chris Rasmussen , VOCAL Committee Member, Director of Academic Affairs with Department of Higher Education

²⁹ US Census Bureau, *Quick facts Colorado*. Retrieved from <https://www.census.gov/quickfacts/CO>

³⁰ Carson, A. E. (2018). Prisoners in 2016 , 1–36. Retrieved from <https://www.bjs.gov/content/pub/pdf/p16.pdf>

³¹ US Census Bureau, *Quick facts Colorado*. Retrieved from <https://www.census.gov/quickfacts/CO>

Findings

The data collection activities listed in Exhibit 27 provided insight into the success that Colorado had and the challenges it faced when attempting to change regulatory rules around occupational licensure. They also provided context for Colorado's efforts to continue removing barriers to licensure for certain populations. There are four major findings related to the efforts in Colorado.

The VOCAL committee drove efforts that led to streamlining licensure for certain professions

The **VOCAL committee** focused on veterans and military spouses. Veterans face several challenges to obtaining licensure. Veterans may have relevant work experience that is not recognized by regulatory boards. For example, a member of the military who worked as a medic in a war zone may have nearly all the experience needed to be an emergency medical technician or nurse, including extensive training that could be applied to licensure, but the existing rules may not allow for that experience to count. Military spouses, on the other hand, may obtain licensure in the state where their spouses are stationed, and then move to a new state in which that license is not valid.

The committee performed a systematic review of each profession under the purview of the Division of Professions and Occupations. The committee evaluated the extent to which military training meets state requirements for licensure, identified reciprocity mechanisms with other states, and determined which occupational exams are available to give licensure to a veteran. The committee **proposed and adopted 11 rules to streamline occupational licensure for veterans and military spouses**. The committee also consulted with community colleges and other postsecondary technical institutions to identify courses or programs that could cover the gaps between military training and the training recognized by regulatory boards for authorizing licensure.

The Immigrant Gap Analysis committee successfully passed House Bill 1290, a bill that allows for replacement of some experience hours, while maintaining the licensure exam requirement

The **Immigrant Gap Analysis committee** identified barbers and cosmetologists as professions in which there was an opportunity to streamline regulations for individuals from other countries who may lack documentation of prior experience. There are a variety of reasons for this, ranging from variations in licensure laws in other countries to applicants being refugees. There were several reasons these professions were ideal for making changes, including that the barbering/cosmetology licensing program has one of the largest numbers of foreign applicants.

With the help of stakeholders and focus groups, the committee and DORA researched these issues and advocated for the passage of **House Bill 1290 (HB1290)** in 2019. This bill provides immigrant applicants with a pathway to replacing some of the required hours practicing barbering/cosmetology, and other professions with similar health and safety requirements, with attested months of experience. The applicants can replace the hours with work experience at a **ratio of 100 hours to three months of work experience**. It also allows immigrants to submit signed and notarized attestations of their experience in lieu of unobtainable records of said experience. The bill **does not reduce the requirement to pass the licensure exams**, to learn all the health/hygiene-related and public safety-relevant rules, or to be of age and graduated from a licensure program.

Ms. Heather Colwell, who testified about how the proposed rule changes would impact immigrants, noted that there was not a lot of pushback on this bill and that it was an *“easy win...but it's hard to determine how successful [the bill] is, how many people are out there that could potentially use [the bill], and how many people are actually using it, because that is data that's difficult to access. That is one of*

the troubles we've had when trying to look at how many barbers or cosmetologists there are with overseas experience or foreign experience." The effect of those changes is challenging to measure because of the difficulty in knowing exactly how many experienced foreign applicants there are and whether they understand what options are available to them. Despite the challenges in measuring the impact, the passage of this bill is seen as a win for strengthening Colorado's workforce.

The Collateral Consequences committee identified barriers to licensure for individuals with a criminal history, and faced mixed reactions from stakeholders

The committee on **Collateral Consequences**, which focused on finding regulatory burdens that could be changed for individuals with a criminal history, is researching existing barriers to licensure for this population. There has been resistance by some boards to license individuals with criminal background records, but legislation has been put forth to change the way licensing boards treat applications from these individuals.

"I heard of a young woman, she's in the women's prison. She wants to go to cosmetology school when she gets out...she's looking at paying up to \$21,000 to go into the Paul Mitchell school. But yet she doesn't know if she's going to be accepted by the board."

– Ms. Peeples

According to Ms. Carol Peeples, who provides resources for previously convicted individuals, there are existing statutes that give the director of the State Board of Barbers and Cosmetologists the ability to deny, revoke, or suspend licensure upon proof the licensee has a criminal conviction or has entered a plea of nolo contendere to a felony.³² At the same time, prisons have barber training courses to provide a career pathway after release from prison. The committee is working with regulatory authorities to identify similar areas in which there is incongruence between existing

statutes and the needs of individuals attempting to gain licensure and the industry. One identified need is to have a process in which individuals can receive a **preliminary determination about whether their conviction status will prevent them from obtaining licensure**. One consideration might be determining whether the prior conviction is related to the type of licensure being sought.

The committee has faced resistance from some regulators and employers and encouragement from others in the efforts to make regulatory change. Some regulators have indicated that they don't want to hire individuals with criminal histories, while others have indicated that they are eager to hire individuals with experience and provide a second chance.

Regulatory actions to streamline licensure are effective but limited without legislative backing

Colorado's DORA focused the work of the committees on regulatory policy by engaging the occupational licensing boards in lieu of a focus on legislative goals. According to Mr. Nate Brown, a policy advisor, some of the work of the committees is ultimately **limited by the lack of legislator involvement**. Although the committees have been valuable in suggesting rule changes within regulatory agencies, they cannot pass laws or require regulators to make changes. Colorado is now putting some of the work

"We just have to think differently about the way people enter into, and leave, and reenter professions, and accommodate various messy life paths that people take to enter a field and provide for themselves and their families."

– Mr. Chris Rasmussen

³² Examination Applicant Barber And Cosmetologist Act. HB19-1290. <https://leg.colorado.gov/bills/hb19-1290>

of the committees on the back burner and **intends to work with legislators to move regulatory policy alternatives forward**. Despite the limitations, the committees, particularly the VOCAL committee, provided valuable research and affected direct change toward streamlining licensure for their targeted populations. Furthermore, the process of engaging with stakeholders and focus groups helped the committees to identify the challenges and future directions of policy for Colorado's workforce.

MARYLAND

REGULATORY APPROACH TO LICENSING REFORM—SUCCESES AND SETBACKS

Introduction

Maryland’s state grant application for participation in the Occupational Licensing Policy Learning Consortium identified the goals of increasing accessibility and alleviating restrictive licensing requirements for immigrants, justice-involved individuals, and military families. The Maryland Core Team set out to accomplish these goals by working with various licensing boards. In 2019, this approach resulted in the Board of Cosmetologists voting to allow individuals seeking cosmetology licensure to use interpreters for the written part of the exam. In addition, the board is working to create license bridges for those who hold cosmetology sublicenses, such as hair stylists. This would allow licensees to include the hours they have worked in a subfield when they apply for their cosmetology license. On the other hand, proposed changes were not adopted by the Board of Plumbing or the Board of Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Contractors.

Case study focus: The reasons for successful regulatory reform for Maryland’s cosmetology field but not other occupations—specifically, plumbers and Heating, Ventilation, Air Conditioning, and Refrigeration professionals.

Key findings:

- ✦ There were commonalities in the recommendations made to all the boards, and the Core Team adopted a common process when presenting recommendations.
- ✦ The support of the Consortium helped the Board of Cosmetologists achieve its preexisting goal of allowing interpreters for the written exam.
- ✦ Openness to change and new board members contributed to the success of the licensing reform.
- ✦ The boards of Plumbing and HVACR Contractors expressed concerns for public safety.
- ✦ An understanding of the rationale for the recommendations may result in less resistance to change.

Case Study Approach. The Executive Summary describes the overall approach to the case studies. Details that are specific to Maryland’s case study are listed in Exhibit 28.

Exhibit 28. Sources of data and information used for Maryland’s case study

Type of Data	Source of Data
Background Documents	<ul style="list-style-type: none"> ❖ Summary of Maryland’s Occupational Licensing Policy Learning Consortium application, 2018 and 2019 semi-annual reports, and state-specific technical assistance documents ❖ Board of Cosmetologists, Board of Plumbing and Board of HVACR Contractors websites and meeting minutes
Qualitative Data	<p>SME Interviews:</p> <ul style="list-style-type: none"> Victoria Wilkins, Core Team Lead and Commissioner, Division of Occupational and Professional Licensing Erica Lewis Thomas, Core Team Member and Executive Director, Maryland Board of Cosmetologists and Board of Barbers Mike Bowersox, Core Team Member and Industry Member, Maryland Board of Plumbing
Quantitative Data	American Community Survey PUMS data

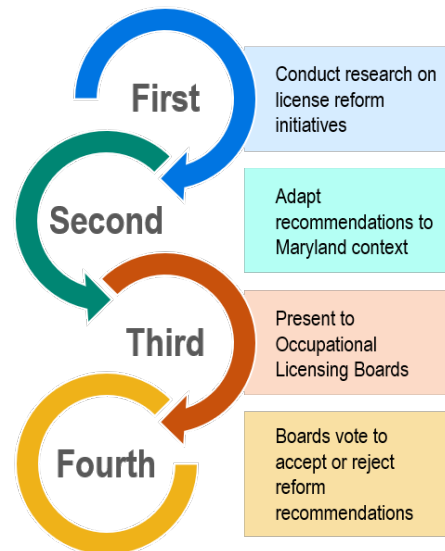
Findings

The data collection activities listed in Exhibit 28 provided insight into the successes Maryland had and the challenges it faced when attempting to reform occupational licensing through working with regulatory boards. There are five major findings related to the efforts in Maryland.

There were commonalities in the recommendations made to all the boards, and the Core Team adopted a common process when presenting recommendations

Maryland’s Core Team consists of licensing board members, legislators, and representatives from the Governor’s office and state workforce agency. They took a similar approach to working with all licensing boards on occupational licensing reforms. As illustrated in Exhibit 29, the Core Team first set out to research potential licensing reform specific to the target occupations. They then adapted the reform ideas to Maryland’s population and context. The Core Team’s recommendations are outlined in Exhibit 30.

Exhibit 29. Process of enacting licensing



Once the licensing reform recommendations were adapted to the needs of each board, the Core Team presented these recommendations to the board members. The board members were then presented with the opportunity to vote on the recommended reform. A majority vote decided whether the reform was accepted.

The Core Team chose to work with regulatory boards to enact occupational licensing reform, over a legislative approach, in hopes that it would result in **fast-paced changes** that would **positively affect the population**. As Commissioner Victoria Wilkins shared, *“There were things that the board could do that were much quicker, take less time to implement, and would be more meaningful to the people that are in the state.”*

Exhibit 30. Breakdown of the licensing reform recommendations made to the three boards in Maryland

	Board of Cosmetologists	Board of Plumbing	Board of HVACR
Allowing use of interpreters on written exam	✓	✓	✓
Creating sublicenses/stackable licenses	✓	✓	✓
Introducing practical exam	N/A	✓	✓
Removing backflow prevention training requirement for journeyman plumber test	N/A	✓	N/A

The support of the Consortium helped the Board of Cosmetologists achieve its preexisting goal of allowing interpreters for the written exam

Prior to participation in the Consortium, the Board of Cosmetologists had identified language accessibility as one of the issues that needed attention. In Maryland, cosmetology license applicants are required to take a two-part exam, which involves a theory-based written section and a practical component. Previously, the written section had been offered in English, Spanish, and Vietnamese. However, data on demographic trends suggested that there were a growing number of immigrants who did not speak those languages.³³

The board noticed a pattern with the performance on the written section of the licensing exam among applicants who were not proficient in English, Spanish, or Vietnamese. Ms. Erica Lewis Thomas reported, *“A lot of applicants were failing a part of the examination, not because they didn’t quite understand the craft that they were doing, but literacy-wise they had a hard time passing: they were running out of time, and they were paying...\$79.00 for the test over and over again. It had a lot to do with language access.”* This **signaled the need to reform the language requirements** of the examination.

In discussing the need for this language access reform, Ms. Thomas said *“(We were) not quite sure how this issue was going to get solved, but we were discussing it already. So, when this Consortium came about, then this was a perfect way to add on this topic and get assistance.”* The Consortium facilitated this work by **answering the Core Team’s questions** on other states’ licensing practices and **offered it much-needed momentum.**

Openness to change and new board members contributed to the success of the licensing reform

The Board of Cosmetologists does not have a history of adopting licensing reform to increase accessibility and reduce barriers to licensing. **Change in the leadership and board members** contributed to the success of licensing reform for cosmetology. Ms. Thomas reported that new board members have been receptive to change.

Since enacting the language access reform in June 2019, the Board of Cosmetologists has not received negative feedback from licensees or businesses. The board is currently working to **create bridges between the hairstylist and cosmetology licenses.** For cosmetology license applicants, this will allow hours worked as a hairstylist to count toward the requirements for a cosmetology license.

“The reason why I don’t think (licensing reform) was a success in the past had a lot to do with the fear of how much it would change the industry.”

- Ms. Thomas

The Boards of Plumbing and HVACR Contractors expressed concerns for public safety

The recommendations for licensing reform presented by the Core Team were not accepted by the Board of Plumbing or the Board of HVACR Contractors; both cited public safety as one of the reasons for voting not to accept the recommendations of the Core Team. One concern raised about allowing interpreters for the written license exam related to the **issue of plumbers not being able to communicate on a job site.** The Core Team countered that the license exam requires a different level of proficiency in written English not required on a job site. In addition, it was argued, given the four years required to hold an apprentice license before sitting for the plumbing license exam, license applicants would have mastered

³³ Data USA, *Hairdressers, Hairstylists, & Cosmetologists*, Retrieved from: <https://datausa.io/profile/soc/hairdressers-hairstylists-cosmetologists>

enough English to understand the work. Commissioner Wilkins emphasized, *“We’re protecting public safety...and that is important. Always testing public safety and protecting consumers is part of our mission.”* Given the divergent understanding of legitimate public safety concerns, there is a need for open communication and deeper understanding of the board members’ concerns about and implications of the suggested reform.

An understanding of the rationale for the recommendations may result in less resistance to change

Maryland’s Core Team developed specific recommendations for licensing boards with the recognition of a few factors that are likely to affect the target professions. First, the **changing demographics** of the Maryland population necessitate that licensing boards investigate the changing needs of potential licensees and attempt to address them. Second, there is a need to recognize the **potential workforce shortage problems** of the trades. Commissioner Wilkins

“We need people who don’t speak English. Because you know what? People who don’t speak English also live in my state, and they need people that they can speak with that serve them (too).”

– Commissioner Wilkins

suggested *“(It is) becoming more and more challenging to get people in trades, and we’re doing what we can to facilitate that whatever way we can.”* The lack of success with the Board of Plumbing and Board of HVACR Contractors indicates a need to understand the pressing workforce issues that necessitate licensing reform. A part of this issue may stem from a **lack of familiarity with the population**. Other barriers may include influential groups, such as the **plumber’s labor union**, that are inclined to preserve existing systems.

The Core Team had representatives from the Board of Cosmetologists and Board of Plumbing. Commissioner Wilkins reported, *“Having people that were in those industries in our group certainly helped us because we didn’t make suggestions in a vacuum.”* Despite the lack of success for passing some of the reform, interviews suggested that having board member representation on the Core Team helped ensure that recommendations were relevant to the profession and responsive to the needs of the workforce.

Despite setbacks, the Core Team has engaged in efforts to try to address these challenges. Commissioner Wilkins is now involved with the **board member selection process**, with the hope that licensing boards will become more open to change in the future. The Maryland Core Team is also currently exploring **alternative strategies to institute occupational licensing reform** for plumbers and HVACR professionals. Moving forward, the Maryland Core Team plans to **visit other states’ team meetings** to learn how they are tackling similar challenges in their states in their work as part of the Consortium. The Maryland Core Team also plans to **invite legislators to future Consortium meetings** to explore other states’ efforts and assess what reforms can be attempted through legislation in Maryland.



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