

OCCUPATIONAL LICENSING FINAL REPORT

Assessing State Policies and Practices

Project Overview and Lessons Learned from the Occupational Licensing Learning Consortium



Occupational Licensing: Assessing State Policies and Practices Final Report

**PROJECT OVERVIEW AND LESSONS LEARNED FROM
THE OCCUPATIONAL LICENSING LEARNING CONSORTIUM**

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Letter from the Executive Directors

Occupational licensing has emerged as a chief policy issue for state leaders in recent years. While licensing serves as a tool to safeguard public health and safety, it can come with economic and social costs. States are uniquely tasked with harmonizing the competing interests of maintaining high standards of public health and safety and ensuring that occupational licensing policies do not unduly inhibit economic growth, prevent workforce mobility or disproportionately limit opportunity for certain individuals.

States must also consider how occupational licensing policies impact workforce development, criminal justice reform, immigration, military affairs and unemployment. Most importantly, because of the cooperative nature in which occupational licensing policy is developed and implemented, this policy area serves as an example in which cross-state collaboration and bipartisanship truly flourish.

The Occupational Licensing: Assessing State Policy and Practice project represents a four-year, joint effort by the United States Department of Labor's Employment and Training Administration, the National Conference of State Legislatures, National Governors Association Center for Best Practices and The Council of State Governments. The 16 states that participated in the project consortium were ultimately the drivers of their own success. The results of the project as described in this report demonstrate how state-led efforts, with financial and programmatic support from the federal government, result in successful, effective partnerships that facilitate meaningful reform and advance state policy.

The following report serves as both a record and a collection of lessons learned throughout the project. It also highlights the resources and policy findings of the organizational partners. Each element of the report is designed to guide other states and stakeholders in their own efforts to better understand and positively affect meaningful dialogue and action in the occupational licensing arena.

But this work is far from over. Although we have been working with roughly a third of the states, all states may benefit from the type of bipartisan efforts, policy assistance and resources of the last four years to reduce barriers for workers. For the consortium states, the work continues as they must maintain diligence in their continued assessment of occupational licensing policy practices as they navigate the new economy and the effects of the COVID-19 pandemic. By continuing the collaborative, nonpartisan and evidence-based approaches described in this report, states will be well-positioned to unlock new opportunities to engage key segments of their workforce in high-demand licensed occupations.

Sincerely,

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Executive Director, NCSL



Bill McBride
Executive Director, NGA



David Adkins
Executive Director, CSG



Acknowledgements

The Occupational Licensing Project was a collaboration between the three partner organizations—the National Conference of State Legislatures (NCSL), The Council of State Governments (CSG), and The National Governors Association Center for Best Practices (NGA Center)—and the U.S. Department of Labor’s Employment and Training Administration. Together, the partners planned and facilitated three multi-state learning consortium meetings, held multiple in-state convenings, wrote and researched dozens of resources, collected and analyzed over 100,000 data points for an extensive database, and presented on the project numerous times. The project was managed by Suzanne Hultin, program director, and Luke Martel, group director, with NCSL’s Employment, Labor and Retirement Program. Iris Hentze, policy specialist, Zach Herman, policy associate, and Linnette Vasquez, staff coordinator, also with the Employment, Labor and Retirement program, staffed the project. Other NCSL staff contributors include Josh Cunningham, Saige Draeger, Jon Jukuri, Anne Morse, Jennifer Schultz, Andrew Smalley and Laura Tobler.

CSG project leads were Daniel Logsdon, program director, Heather Shaffer, deputy director, both with the Center of Innovation, and Elizabeth Whitehouse, chief public policy officer. Other CSG staff contributors were Max Morley, policy analyst, Matt Shafer, program manager, Carl Sims, senior policy analyst, and James Tatum, policy analyst, with the Center of Innovation. Additionally, Chidi Umez, project manager, and Josh Gaines, senior policy analyst, with the Criminal Records Project at the CSG Justice Center, contributed to the work.

NGA Center project staff were Kristin Baddour, policy analyst, Madelyn Rahn, policy analyst, and Rachael Stephens, program director, all with the Workforce Development & Economic Policy program.

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Numerous experts on the topics of occupational regulation, workforce development, people with criminal records, foreign-trained workers, low-income and dislocated workers, and military veterans and spouses contributed to the research and meetings held over the course of the project. We would like to acknowledge their time and assistance.

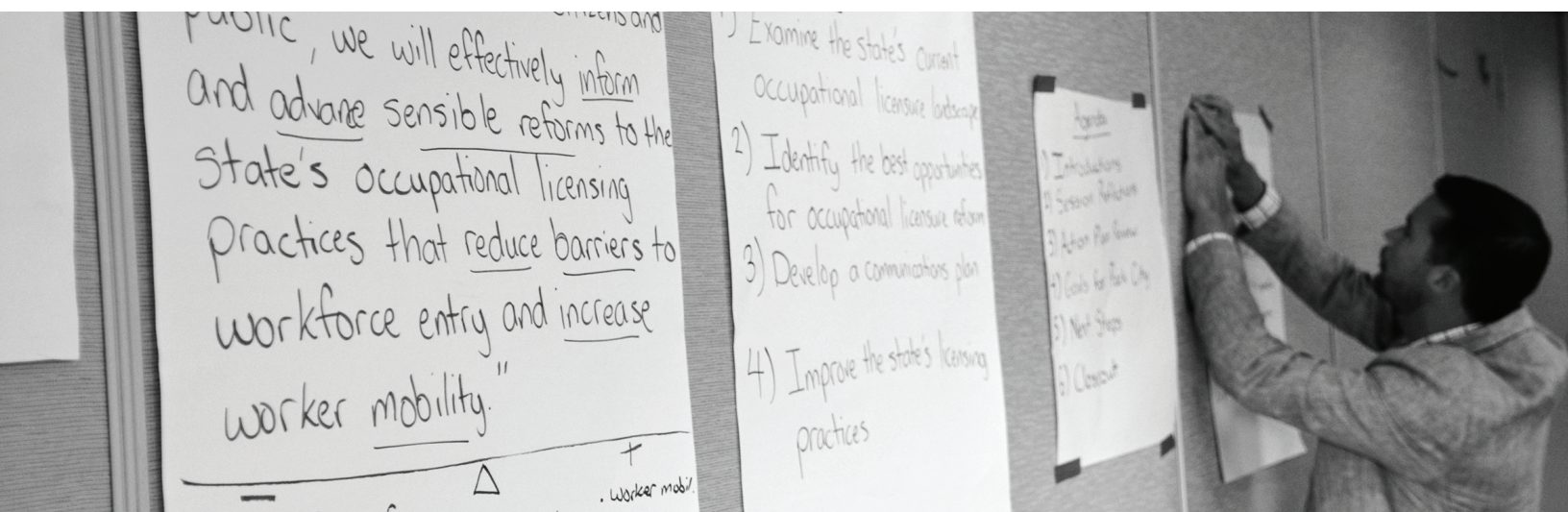
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- Shelly Edgerton, Michigan Department of Licensing and Regulatory Affairs
- Cory Everett, board member and president, Council on Licensing Enforcement and Regulation

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- Bryan Wilson, state policy director, National Skills Coalition
- Marta Zaniewski, assistant director for External Engagement, National Council of Architectural Registration Board
- Michael Zimmer, senior policy consultant, World Education Services, Global Talent Bridge

Finally, the partners would like to extend great appreciation to the teams from the original 11 consortium states: Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Utah and Wisconsin. More information on the teams can be found in the state profiles section on page 25. We thank you for your time and dedication to making this project a success in your states.

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I. Executive Summary

How to use this report:

Overview of state policy options, at executive, legislative and board levels: This report provides multiple policy examples on occupational regulation from the 11 original consortium states and five states added in 2018, and a review of policy trends from all 50 states, beginning on page 37. These policies range from broad, structural changes in overall licensing regulation in the states to smaller and targeted approaches aimed at reducing barriers for a certain occupation or population group.

Deeper dive into challenges and promising practices to promote policy change in states: Along with policy examples, this report provides some of the challenges consortium teams faced in moving policy or implementing regulatory changes. Over the course of the project, multiple promising practices emerged as ways to address licensing barriers and enact changes. Promising practices can be found starting on page 55.

Highlights on the goals and progress the consortium states made during the project: Starting on page 25, each of the 11 original states that participated in the consortium are profiled. The profiles include initial goals from 2017 and state-identified successes from the project. In addition, case studies of the 11 states and their licensing work, conducted by the American Institutes of Research (AIR), are described on page 18.

Occupational Licensing Executive Summary

Occupational licensing has grown exponentially over the last 60 years, comprising nearly 25% of the U.S. workforce, up from 5% nearly 60 years ago. The increase in occupations that require government permission to work, while meant to protect consumer health and safety, has also created many discrepancies in requirements across state lines and barriers to work for certain population groups. Since early 2017, the National Conference of State Legislatures (NCSL), in partnership with The Council of State Governments (CSG) and the National Governors Association (NGA Center) for Best Practices, has produced numerous resources. These resources are designed to help state policymakers better understand the variances in licensing laws and the challenges they present for many workers. The partner organizations worked with teams from 11 states (consortium states) to help them address their goals around licensing access and portability.

This report summarizes the four-year project's key deliverables; the legislative, executive and regulatory trends the partners observed across the country and in consortium states; and lessons learned throughout the project. Below are the main highlights from each section of the report.

Key Project Deliverables

At the heart of the project was the Multi-State Occupational Licensing Learning Policy Consortium, which, through a competitive application process in 2017, brought together 11 states: Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Wisconsin and Utah. Stakeholders from these states attended partner-facilitated meetings, where they developed state goals, heard from national experts, and exchanged ideas and promising practices. State highlights, trends and lessons learned from the states are outlined throughout the report.

Partners also developed multiple online resources and tools, including the National Occupational Licensing Database. The first-of-its-kind database highlights the education, training, exam and fee requirements for over 30 occupations in all 50 states and the District of Columbia. This database has nearly 30,000 data points and to date has had over 21,000 website hits.

The partners also produced numerous reports outlining historical and current trends in occupational licensing and regulation, including a “Barriers to Work” series, which outlines the challenges of four different population groups: military veterans and their spouses, people with a criminal record, foreign trained workers, and low-income and dislocated workers. Resources on different types of portability options were also created, including interstate compacts. A full list of partner activities can be found in Section III, Key Activities of the Partners.

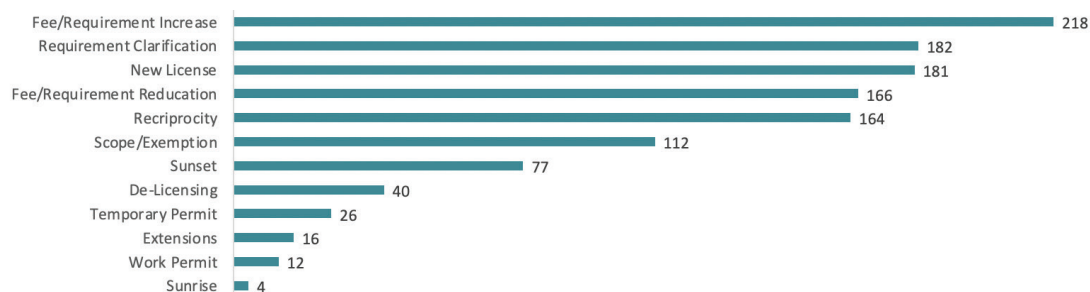
Trends in Occupational Licensing

Legislation: NCSL has tracked legislation introduced in all 50 states since the beginning of the project, categorizing them into 16 topic areas and 34 occupations. To date, NCSL has tracked more than 3,500 occupational licensing bills across various categories, listed in the trends section of this report. The topic receiving the most attention was altered fees or requirements, with 122 bills enacted between 2017 and 2019. When looking at licensing policy and practice through a critical lens, legislation covering clarification of requirements and increased transparency were the most popular, with 182 bills introduced. Of the four population groups listed above, states most frequently enacted bills affecting people with a criminal history, with over 80 bills enacted in 30 states.

In terms of comparing consortium states to other states, NCSL found that although non-consortium states introduced more bills on average than consortium states, the rate of enactment was 60% in consortium states compared to 42% in other states. These statistics indicate that consortium states are bringing together the right stakeholders to have meaningful conversations about licensing legislation. Other legislative trends between 2017 and 2019 included reducing licensing fees and requirements, clarifying licensing requirements, creating a new license for a previously unlicensed occupation, and studying or instituting reciprocity agreements between states.

Population Groups: Of the four population groups the project examined, people with a criminal history and military veterans and spouses received the most attention from consortium and other states in terms of targeted licensing reform. Fewer legislative or executive actions focused on immigrants with work authorization and low-income and dislocated workers during the project. Between 2017 and 2019, unemployment rates were at record lows and states were focused on getting more workers into licensed occupations by removing unnecessary barriers or complications in licensing requirements and regulations. Actions such as removing “moral turpitude” clauses for people with a criminal history and allowing temporary licensure for a military spouse entering a new state with an out-of-state license were agreeable policy options in many states. Between 2017 and 2019, 176 bills that sought to ease barriers for people with a criminal record were introduced by states across the country. States introduced 120 bills focusing on military veterans and spouses, 33 on immigrants with work authorization, and 14 on low-income and dislocated workers.

Bills Considered by Topic



Executive Actions: Governors also played a significant role in occupational licensing trends in their states. NGA found that governors mentioned occupational licensing as a priority in eight state of the state addresses in 2019. That legislative session saw licensing bills in all eight of those states, with six states ultimately enacting legislation, indicating the strong influence of a governor's priorities in setting legislative agendas and building stakeholder support and momentum behind legislation.

Governors have also used executive orders to set occupational licensing priorities, including establishing statewide reviews of licensing systems, as governors of four states did during this project. Prior to the 2020 COVID-19 pandemic, three governors had used executive orders to temporarily lift licensing requirements to solve workforce shortages related to an emergency, such as a natural disaster.

During the 2020 pandemic, all 50 states took some sort of action to ease licensing requirements, allowing workers to more easily fill immediate workforce needs brought on by the pandemic, particularly in health care and emergency response occupations. Many of these actions were taken through executive orders, as well as through regulatory changes and legislation.

Licensure Portability: Consortium and non-consortium states alike have expressed interest in licensure portability over the last few years. During the project, the consortium states examined different means of portability from licensure by endorsement, reciprocity agreements, expedited and temporary licensure, and interstate compacts. One of the most prevalent means of portability is interstate compacts. CSG has tracked 42 states that enacted 137 separate occupational licensure compact bills. The partners saw an increased interest in universal licensure bills in 2019, with enactments in Arizona, Montana, New Jersey and Pennsylvania. Several other states introduced bills in 2020, including Missouri and Colorado, a consortium state, both enacting them.

Lessons Learned

Over the course of the project, the consortium states gained knowledge about promising occupational licensing policies, defined goals for their state, and made progress toward or achieved many of those goals. The partners also gained valuable insight on strategies that were most successful for states in accomplishing their goals and challenges that arose among the teams. Below are some of the lessons learned through the consortium process.

- **Importance of messaging:** Nearly every state struggled to effectively communicate the consortium's work to certain stakeholders. State teams found success with messages that highlighted the work as protecting consumer health and safety while also addressing critical workforce needs. Often the messages had to be tailored for different stakeholder groups.
- **Stakeholder engagement:** Consortium states that experienced pushback on goals or sponsored legislation struggled with engaging the right stakeholders from early in the process. States that did not have buy-in from the legislature early on failed to enact legislation and states that experienced changes in leadership had a hard time maintaining momentum. States that found meaningful ways to engage stakeholders of all kinds were much more successful at enacting changes and advancing their work.
- **Importance of third-party facilitator:** Changes to licensing and regulatory structures are often bipartisan issues, appealing to both Democrats and Republicans for many of the same reasons. However, the partisan nature of many state legislatures and executive offices and distrust from regulatory agencies or boards created tension in many consortium states. Most states found that having a neutral third-party convener, such as NCSL, NGA and CSG, helped bring all stakeholders to the table, diminish feelings of mistrust or partisanship, and support meaningful and thoughtful licensing and regulatory changes. Furthermore, the partner staff also brought background knowledge on licensing policy and practice to the table, allowing each state team to work one-on-one with an expert facilitator.

- **Peer-to-peer learning:** Throughout the project, state teams consistently ranked peer-to-peer discussions, whether through meeting breakouts, facilitated phone calls or unstructured networking, as extremely valuable to their work. Hearing from their peers in other states on challenges, successes and hiccups helped many state teams address problems before they arose or identify new approaches to their outlined goals.
- **State technical assistance:** Along with annual multistate convenings, the consortium states also received in-state convenings and technical assistance. Led by the state teams, the technical assistance was often an opportunity to bring together a larger stakeholder group from the state to hear from experts and other states. Multiple times, experts or partner staff were brought in to testify before legislative committees.
- **Sunrise and sunset processes:** States with sunrise and sunset measures provide policymakers with valuable tools to evaluate proposed and existing regulations. The processes examine costs and benefits and state-by-state comparisons and feature data-driven analysis. Multiple consortium states without such measures in place pursued creating them during the project.
- **Institutionalizing efforts:** Realizing that changes in leadership and staff happen often, several states found ways to institutionalize their efforts. They did so either through formal approaches, such as creating sunset and sunrise review commissions, or informal approaches, such as regular stakeholder meetings or working groups.
- **Focus on targeted occupations:** Although many states have experienced success in enacting broad policy actions, impacting nearly all licenses in a state, others found success in focusing their work on tailored approaches to reducing barriers. Political challenges and industry-specific factors create obstacles in moving broad licensing efforts. Consortium states found that focusing on a handful of occupations ensured they had the right people at the table and enough resources to ensure all considerations and policy options were considered.
- **Efforts for population groups:** Most consortium states identified population groups for which they aimed to reduce barriers early in the project. The two groups that received the most attention were military veterans and spouses and people with a criminal record. Although the barriers may differ, states learned that a best practice for one population group, such as reduced or waived fees, can often also be a successful approach for another.

II. Foundation Work of the Partner Organizations

The three partner organizations, NCSL, CSG and NGA Center, have a strong foundation in state policy work and bringing states together to learn from each other and exchange ideas. They brought years of experience with forming and leading state consortia and collaborating with national organizations to support state action planning and implementation in a host of policy areas. The partners also brought extensive experience and subject matter expertise in the four population group areas and interstate compacts. All the partners have significant experience in working with national partners on consortia-like projects; sharing promising practices with state policymakers and their staffs; delivering direct technical assistance to state entities; and supporting states as they develop and implement strategic action plans. Together, the three national partners possess deep skills, strong connections with key constituencies, and expertise in working together to help states implement state-driven solutions. (See appendix for more background on the partners and their experience and projects.)

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The share of workers requiring a license to do their job has exploded from about one in 20 to one in four over the past 60 years, according to a study of the issue by the National Conference of State Legislatures, the National Governors Association and the Council of State Governments. The groups are in the midst of a three-year project to make it easier for people to take their skills across state lines.

– AP, April 10, 2019

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Setting the Occupational Licensing Groundwork

Upon kicking off the project in early 2017, the partners laid a foundation for the work by developing and convening a panel of experts, identifying a list of occupations to examine and developing an application for states to join the learning consortium.

Developing and Convening the Panel of Experts

The partners identified national occupational licensing experts to serve as a resource to the project staff, the states participating in the consortium, and all states/territories. The 10 national experts representing the selected occupations and the targeted populations were:

- Dale Atkinson, executive director, Federation of Association of Regulatory Boards (see appendix B1)
- Daryl Atkinson, staff attorney, Southern Coalition for Social Justice (see appendix B1)
- Marion Cain, associate director, Office of the Assistant Secretary of Defense (see appendix B1)
- Marcus Beauregard, director, Defense State Liaison Office within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy, U.S. Department of Defense (see appendix B2)
- Paul Feltman, director of Global Talent Bridge, World Education Services (see appendix B2)
- Joe Garcia, chancellor of the Colorado Community College System and former president of the Western Interstate Compact on Higher Education (see appendix B2)

- Morris Kleiner, professor, Humphrey School of Public Affairs, University of Minnesota (see appendix B3)
- Lisa Knepper, manager of Strategic Research Initiatives, Institute for Justice (see appendix B3)
- Bryan Wilson, director of the Workforce Quality Campaign, National Skills Coalition (see appendix B3)
- Rick Masters, counsel to National Center for Interstate Compacts (see appendix B3)
- Adam Parfitt, executive director, Council on Licensure Enforcement and Regulation (see appendix B4)

The panel of experts was involved in reviewing state applications to join the consortium, provided guidance for the research, publications and other project deliverables, and helped disseminate the project outputs.

The panel was also available to provide technical assistance to the state teams during the consortium meetings. The panel's first meeting focused on reviewing the draft request for applications for states to join the consortium, discussing methodology for selecting occupations for the database, and reviewing other initial project outputs such as "The State of Occupational Licensing" report and two-page project overview. The experts also provided the partners with background details on licensing, an idea of the big issues they were seeing in the states around licensing and regulation, and help in identifying additional resources and experts to use as faculty for future meetings.

Selecting the Occupations for Review

It is estimated there are over 1,100 occupations that are licensed across the United States. Some are licensed in all 50 states and others are only licensed in one state. With each state maintaining a unique licensing governance structure, a key focus of the project was to identify which occupations are most commonly licensed across all states and prioritized in state workforce development strategies. This strategy also helped provide direction and maximize the impact of state project action plans.

To achieve this goal, the partners developed a list of occupations based on a methodology with four primary conditions:

1. The occupation must be licensed in at least 30 states.
2. The occupation must require less than a bachelor's degree for initial licensure.
3. The occupation must have a projected average or above-average employment growth over the next 10 years.
4. The occupation must include more than 10,000 employees nationally.

The resulting list of 32 occupations was presented to states for consideration during the application phase and later provided the initial occupations for which licensing data was collected and uploaded to the project's occupational licensing database.

*The full description of the database methodology and list of occupations may be found in the appendix. In 2018, additional occupations were added to the database, resulting in a current total of 48.

Occupational Licensing Learning Consortium Request for Application and Selection

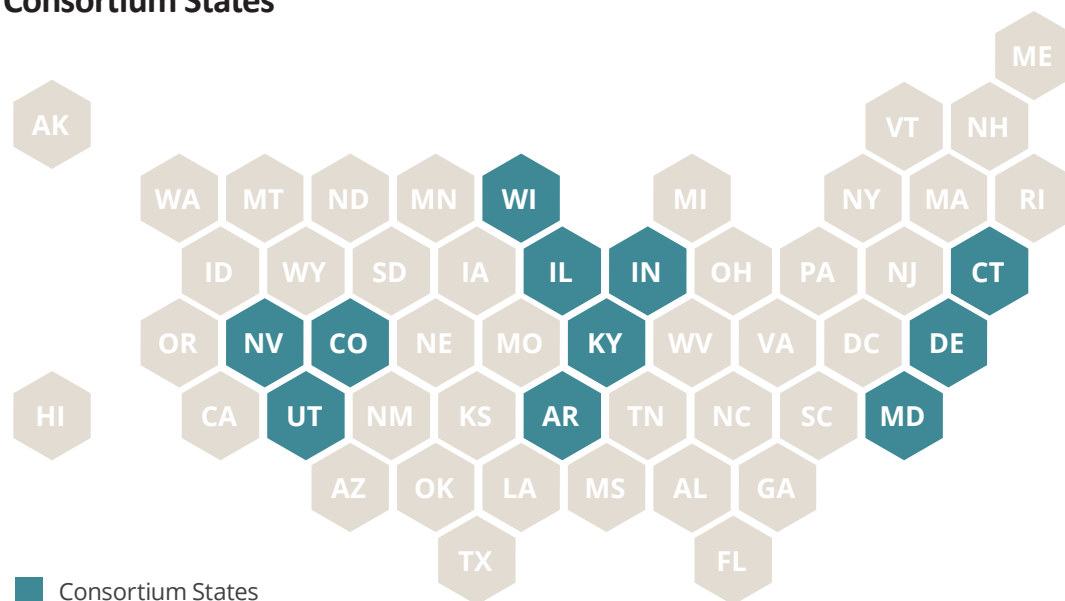
In June 2017 and with consultation from the panel of experts, the partners sent out a request for applications (RFA) made public to all states to participate in the occupational licensing learning consortium. The RFA stated that the partners, with support from the U.S. Department of Labor (DOL), would assist participating states, commonwealths and territories ("states") in improving their understanding of occupational licensure issues and best practices. It would also help participants become familiar with and discuss the existing licensing policies in their state and identify current policies that create unnecessary barriers to labor market entry, especially for certain populations. Finally, it would help states create an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

Each state was asked to assemble a multidisciplinary “core team” to steer their state’s work throughout the consortium, as well as a “home team” of additional stakeholders that would support the implementation of the action plan developed by the core team. Each state was permitted to submit only one application, necessitating cooperation and alignment across the entities whose representation was required on the core team. The RFA required core team participation and a formal letter of support from each of the following: the governor’s office, the leader of the state’s workforce agency, and legislative leadership such as the Senate president, the speaker of the House, or the chair of a relevant committee.

States submitted applications in August 2017. They were reviewed by staff from each of the partners, DOL and the panel of experts, who provided feedback on each state's proposal and finalized the selection of states best positioned for meaningful and productive participation in the consortium.

Partner staff and each member of the panel of experts independently scored state applications according to criteria outlined in the RFA. These included the state's outline of its current occupational licensing policy framework; its vision, goals and initial desired outcomes through its work in the consortium; its proposed activities to achieve those goals; and the comprehensiveness of its proposed core team membership. Partners' staff then met with the panel of experts to evaluate states' scores against these criteria and determine which states would be admitted to the consortium. This conversation also provided opportunities for the panel to help partners' staff identify specific areas of technical assistance that may be useful to each state once they were admitted to the consortium.

Consortium States



October 2017: Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Wisconsin and Utah. Selected states were expected to participate in the following activities, as described in the RFA:

- In-person, multistate meetings.
- In-state meetings facilitated by staff from the partners.

- Targeted, state-specific technical assistance from the partners.
- Webinars and peer learning calls.
- Development and implementation of a state action plans, facilitated and supported by the partners' staff.
- Submission of regular reports and a final summary of lessons learned through their state's work in the consortium.

The technical assistance and facilitation support provided by partner staff has contributed to the progress consortium states have made in reducing unnecessary barriers to occupational licensure. The research and facilitation the partners were able to provide meant state teams could focus on their outlined goals and action items and did not have to spend time conducting their own national comparative research or planning meetings. Having an outside facilitator and research organizations contributed to more efficient in-state and multistate meetings and a reduced burden on state staff.

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“In 2015, the Obama White House released a report on occupational licensing” and “it identified some of the barriers that it creates for different population groups,” says Suzanne Hultin, program director in the Employment, Labor & Retirement program at the bipartisan National Conference of State Legislatures (NCSL). “On the heels of that report, the U.S. Department of Labor announced [its willingness] to work with states on this issue... Then that trend continued in 2018. The Trump administration also put out some money to work on this. So it’s a bipartisan issue.”

– The Christian Science Monitor, Oct. 30, 2019

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III. Key Activities of the Partners

Through the course of the project, the partners published new research and reports, developed comprehensive databases to track legislative actions related to occupational licensing, and worked directly with consortium states to achieve their individual licensing goals. Key partner activities included:

- **State Engagement through the Occupational Licensing Policy Learning Consortium**
The partners convened a series of three annual Multi-State Occupational Licensing Policy Learning Consortium meetings. These gatherings offered participating states the opportunity to develop and refine detailed action plans concerning occupational licensing. They also allowed state team members to engage with leading experts on topics related to occupational licensing, such as alternatives to licensure, national best practices and population-specific impacts. The meetings facilitated peer-to-peer learning experiences, allowing state team members the opportunity to share best practices and lessons learned.
- **Development of Research, Publications and Occupational Licensing Resources**
The partners created numerous online and printed resources throughout the course of the project, tailored to state policymakers and regulators. These included two policy and literature scans outlining the current research on occupational licensing and a series of briefs focused on the unique challenges different population groups face in obtaining a license or working across state lines. They also included promising action states have taken to improve the portability of licenses across states. Numerous blog posts and newsletters were also compiled highlighting legislative and executive trends on licensing regulation. The resources are highlighted in more detail in the following Partner Resources section.
- **Webinars**
The partners hosted three webinars each year of the project, totaling nine in all. The webinars highlighted partner resources and legislative and executive order tracking in the states, innovative state actions from the legislative or regulatory sides, and emerging trends for 2020 and beyond.
- **National Occupational Licensing Database**
This one-of-its-kind searchable resource for policymakers and the public provides transparency in the discrepancies of licensing requirements across states. The National Occupational Licensing Database contains licensing data for 48 occupations across all 50 states and Washington, D.C., including education requirements, experience requirements, fee information and portability options.
- **Occupational Licensing Legislation Database**
NCSL created an online database of licensing bills and laws on 34 occupations, four different population groups and other licensing trends for all states and territories that is searchable by topic, occupation and state. This database tracks introduced and enacted bills from 2017 through 2020 and is updated weekly. To date, NCSL has tracked over 3,000 pieces of legislation.
- **Consortium State Technical Assistance**
Consortium state teams received in-depth technical assistance and action planning facilitation throughout the three years of the project. The technical assistance included partner facilitation at the annual Multi-State Learning Consortium meetings, continual follow-up, and facilitation and coordination of in-state meetings. The third-party facilitator role, played by the partners, was integral to keeping momentum in the states. This will be further discussed in the Lessons Learned section of the report.
- **Occupational Licensing Programming at National Partner Meetings**
The partners regularly host large, annual or biannual meetings, which bring together legislators, legislative staff, and staff from governors' offices and departments and agencies. Occupational licensing resources and consortium state activities were highlighted at numerous meetings throughout the project. This gave attendees insight into the numerous policies consortium states were undertaking and emerging trends around licensure policy.

- **Project Clearinghouse Page**
NCSL created the National Occupational Licensing Project webpage and URL shortcut, www.ncsl.org/stateslicense, to house all the partner resources, blogs, databases and webinars. The webpage is updated on a regular basis and often featured on NCSL's homepage.

Case studies

In 2019, the partners consulted with the American Institutes of Research (AIR) in conducting case studies on the 11 original consortium states. AIR conducted multiple interviews with stakeholders from each of the original 11 consortium states. Each case study provides a deep dive into key obstacles and successes each state faced in pursuing specific licensing policy goals.

- **Arkansas:** The effect of building a coalition on the achievement of results within the occupational licensing initiative.
- **Connecticut:** The process of developing and passing the Minority Teacher Recruitment and Retention bill (PA 18-34) and how it was identified as a goal.
- **Colorado:** The successes and challenges of using a regulatory approach to affect licensure policy.
- **Delaware:** The effect of HB 97 on addressing and reducing barriers to licensing for justice-involved individuals.
- **Illinois:** The approach adopted to pass the sunrise/sunset legislation and the challenges overcome in the process.
- **Indiana:** The processes, challenges and lesson learned from passing nursing compact legislation and the barriers that prevented the passing of emergency medical services compact legislation.
- **Kentucky:** The challenges and barriers encountered when attempting to reform a decentralized occupational licensing system.
- **Maryland:** The reasons for successful regulatory reform for the state's cosmetology field but not other occupations—specifically plumbers and heating, ventilation, air conditioning and refrigeration professionals.
- **Nevada:** The processes and challenges involved in attempting to pass the nursing compact legislation and how the need to join a nursing compact was identified as a goal.
- **Utah:** The process of developing SB 227 and how the need to reduce barriers to occupations for military spouses was identified.
- **Wisconsin:** The process and impact of the 2017 Wisconsin Acts 278 and 319 on disproportionately affected populations.

Partner Resources

Methodology of Database

States are commonly interested in better understanding their own licensure framework and learning how it compares with others. When states are equipped with this knowledge, they are better positioned to identify areas for improvement where existing regulations may be overly burdensome and impede market entry or licensure mobility.

Prior to the start of the project, third-party state-by-state comparisons of licensing policies and occupation-specific requirements were limited in scope. Further, it is a duplicative and time-consuming process for each state to conduct its own licensure review, which can include analyses of state statutes and administrative rules and surveys of state licensing boards. States can also experience difficulties navigating the varying definitions, classifications and requirements for licensure across states. Contractors, for example, are commonly licensed by states with segmented scopes of practice. Additionally, information included in available state licensing resources may be incomplete, difficult to find and/or outdated.

Given the need for quality state licensure data, the partners developed the National Occupational Licensing Database, which allows states to quickly compare the licensing requirements for commonly licensed and in-demand occupations across all 50 states and District of Columbia. The initial iteration of the database included 17 licensing metrics for 32 occupations. In 2018, the database was expanded to 48 occupations. The new occupations are listed in the Appendix E. Notably, the database offers a comparative look at the highs, lows, means and medians of the numerical-based licensing metrics. States can also see how frequently policy options, such as good moral character clauses and criminal conviction restrictions, are used.

- General Contractors
- Teacher Assistants
- Respiratory Therapists
- Dental Hygienists
- Radiologic Technologists
- Emergency Medical Technicians
- Pharmacy Technicians
- Veterinary Technicians
- Licensed Practical and Licensed Vocational Nurses
- Certified Nursing Assistants
- Occupational Therapy Assistants
- Physical Therapy Assistants
- Massage Therapists
- Private Detectives and Investigators
- Security Guards
- Barbers
- Hairdressers, Hairstylists and Cosmetologists
- Manicurists and Pedicurists
- Skin Care Specialists (Estheticians)
- Insurance Sales Agents
- Electricians
- Pipefitters and Steamfitters
- Plumbers (Journeyman)
- Construction and Building Inspectors
- Security and Fire Alarm Systems Installers
- Heating, Air Conditioning, and Refrigeration Mechanics and Installers
- Drinking Water Treatment Plant and System Operators
- Bus Drivers (City/Transit)
- Bus Drivers (School)
- Heavy and Tractor-Trailer Truck Drivers
- Real Estate Sales Agents
- Real Estate Appraisers

The database proved to be a critical resource that assisted the consortium states with their project-related analyses. Wisconsin, for example, used the database in its 2018 “Occupational Licensing Study Legislative Report,” a comprehensive review of the state’s occupational credentials. Specifically, the database allowed the state to identify which of its licensing requirements for specific occupations were particularly onerous when compared to other states and where reciprocity of out-of-state licenses was allowed.

Another consortium state, Indiana, used the database to review the project team’s targeted occupations: certified nurse aides, licensed practical nurses, emergency medical technicians and dental hygienists. Specifically, the review focused on how Indiana’s regulations of these occupations compared to its neighboring states—Illinois, Kentucky, Michigan and Ohio. For the full methodology of how occupations were selected, please refer to the appendix.

“

“But people have mistaken the focus on the 34 professions for a ‘hit list’ for deregulation,” Hultin said. “You could argue that, if it’s licensed in 30 or more states, chances are there’s a reason for that. It’s more the occupations that are licensed in one or two states that people tend to question a little bit more.”

– American Veterinary Medical Association, Nov. 28, 2018

”

Literature Scan: The State of Occupational Licensing

Throughout the course of the multi-year project, two major literature reviews were conducted to survey the existing research in the field.

The first review, “**The State of Occupational Licensing**,” served to ground the work of this project in existing research conducted and literature written up through 2017. Much of the research examined and cited was published between 2015 and 2017, indicating the growing interest and focus on occupational licensing in academic and policy arenas. The report provides an overview of trends and policy issues related to occupational licensing and summarizes best practices and recommendations for licensing policies. State policymakers are the focus of several of these recommendations as legislators serve multiple functions in licensing policy and practice. These include establishing requirements, authorizing boards to oversee compliance and reviewing the merits of current requirements for licensure for various occupations.

“The State of Occupational Licensing” begins with a brief summary of the characteristics of occupational licensing in the United States in 2017, where more than 1 in 5 occupations required a license, up from 1 in 20 in the 1950s. The growth in licensing can present significant barriers to labor market entry for both specific occupations and for four distinct population groups. In addition to these barriers, some trends in licensing policy over time are worth noting. Of the roughly 22% of workers with occupational licenses, the majority work in health care, with a significant number also working in transportation, technical work, personal care and the service industry. The likelihood of holding a license increases with educational attainment and women are slightly more likely to work in licensed professions than men. Finally, white workers are more likely to be licensed than workers of color.

When considering these trends, it is important to evaluate the potential benefits and deficiencies of licensing policies. One of the longest-standing justifications for occupational licensure is to protect public health and safety. When considering that about three-quarters of licensed workers are employed in a health-care-related field, that justification remains evident. In addition to protecting public health and safety, licensure can provide a clearer career development path and ensure higher earning potential for licensed workers. Conversely, these wage gains for licensed workers represent a cost increase for consumers and reduced employment in licensed occupations. This, in addition to the disproportionate burden on the population groups and the decrease in interstate mobility for licensed workers, has led to numerous calls to reexamine licensing policies across states.

The report concludes with best practices and recommendations for policymakers and stakeholders to consider when evaluating licensing policy and potential reforms. It recommends that any new policy or changes to existing policy begin with legislators and stakeholders asking questions and reviewing existing evidence. Following this, it advises that policy should be tailored to the minimum level of occupational regulation deemed necessary to protect the public (certification, registration, licensing, etc.) and its impact on both interstate mobility and the target populations outlined earlier be considered. Finally, it recommends that an analysis of the costs and benefits of licensing be weighed and that policymakers maintain broad oversight of regulatory boards and work to enact broad reforms where possible and deemed appropriate.

The second edition, “**The Evolving State of Occupational Licensing**,” picks up where the first report left off. It highlights the growth in research between 2017 and 2019 in addition to the work of the Occupational Licensing Research Consortium project. The report begins with a brief overview of the various roles of state policymakers and the considerations they weigh when deciding occupational licensing policy. Among these roles and considerations are:

- Convening stakeholders.
- Authorizing and overseeing regulatory boards.
- Reviewing existing and proposed licensure requirements.
- Establishing and modifying licensing requirements.

In addition to discussing the potential benefits and deficiencies of licensing as the first review did, this version also includes some state-specific variation in licensing and highlights the difficulties in translating training, education and experience across state lines.

Perhaps the most significant update in the second edition of the review is the summary of occupational regulation options and policy best practices. The section offers recent examples from both consortium and non-consortium member states to highlight the work accomplished in this policy field in the last three years. This includes state actions such as Nebraska’s Legislative Bill 299, which established a two-step process to review existing licensing regulations, and Arizona’s HB 2569, which recognizes out-of-state licenses.

In an update to the four population groups discussed in the first review, “The Evolving State of Occupational Licensing” looks at a new population affected by occupational licensing policy. In 2017, student loan borrowers who defaulted on their loan payments faced having their license suspended or revoked in 19 states. Since then, at least four states have repealed these laws and more have considered similar legislation. These reforms are in addition to statutes aimed at easing the burden of licensure for immigrants with work authorization, members of the military and their families, low-income and long-term unemployed workers, and those with criminal records.

“

Back in 1990, the U.S. Department of Education recommended states “deny professional licenses to defaulters until they take steps to repayment.” Many states soon followed the federal government’s lead and began enacting their own laws. Around 2010, at the height of this legislative trend, the National Conference of State Legislatures found that “roughly half of states had some form of license suspension for default law in place.”

– Forbes, March 4, 2019

”

Population-Specific Reports

In 2018, the partners wrote and published a set of population reports, each focusing on one of the four target populations for the project. Occupational licensing is complex, and by breaking down this large policy issue into four different groups and examining it through each lens, the partners were able to deliver more easily digestible information to consortium states. Policymakers are also able to break down the complexity of licensing by framing their work in terms of population. The population reports took a deep dive into the unique challenges and barriers specific to each population group that wishes to enter a licensed occupation and practice that occupation across state lines.

The partners divided the research and writing of the publications evenly among organizations. They spent several months compiling research on population best practices, writing and editing the reports. All three organizations were involved in the final editing of the reports, with NCSL taking the lead on design. For each of the four reports, staff from NCSL combed through legislation from 2015 to 2018 on best practices for each population, then included this list of legislation at the end of the report. NGA provided the same expertise, ensuring that a list of relevant, recent executive orders were included in each report. NCSL designed the report, with input from the partners, and made web-compatible versions, posting them on NCSL’s licensing website. Hundreds of physical copies of the report have been distributed to policymakers from consortium and non-consortium states across the country, and NCSL’s corresponding webpages have been visited over 26,000 times.

- **NGA and NCSL** partnered on the [Veterans and Military Spouse](#) report. Military service members face barriers to licensure when it comes to getting their military education and experience counted toward a license. Military spouses face barriers associated with frequent moves across state lines, including having to retake exams and reapply for licensure with each move.
- **CSG and NCSL** partnered on the [Individuals with Criminal Records](#) report. The rehabilitated workforce faces barriers to licensure related to previous convictions that may wholly bar them from a license or prevent a board from giving their application a deeper look.

- **NCSL** took the lead on the [Immigrants with Work Authorization](#) report, while the partners all contributed to the editing process. Immigrants often experience challenges with having their foreign training and education count toward a license and can have a particularly difficult time navigating a state’s regulatory framework if they are unfamiliar with the process.
- **NGA and NCSL** partnered on the [Low-income, Unemployed and Dislocated Workers](#) report. The biggest barriers unemployed and dislocated workers often face in obtaining a license are the fees associated with licensure and the difficulty of moving to a different state or region once licensed in one state.

Compact Reports and Resources

Occupational licensure interstate compacts are increasingly common tools used by states to eradicate barriers to license portability. Interstate compacts afford states the ability to address many of the challenges associated with state-level licensing through flexible, state-developed collaboration and without federal preemption. Through its National Center for Interstate Compacts (NCIC), CSG has facilitated the development of numerous interstate compacts and tracked the progress of more than 200 active compacts.

To promote awareness and clarity of interstate compacts as a policy tool, the partners developed several resources that serve as primers on occupational licensure interstate compacts and provide an overview of their mechanics.

The partners have distributed and presented these documents at numerous meetings pertaining to the Occupational Licensing Project, such as the panel of experts meetings, the annual consortium meetings, the annual NCIC Summit of the States, compact development meetings and in-state consortium team meetings. These resources aim to facilitate the understanding of an emerging policy lever, the presence of which is increasingly felt by states and professions/occupations.

Multistate Problem-Solving with Interstate Compacts

The first compact resource, entitled “Multistate Problem Solving with Interstate Compacts,” outlines the origins of interstate compacts and how they operate, reviewing at length both their challenges and benefits. The report discusses how compacts fit within the existing legal environment to convey the legitimacy and historical precedent for interstate compacts. The report also provides a description of best practices and outlines a process for developing regulatory compacts. Lastly, a summary of the services offered by NCIC—such as education, administration and resources, and training—is provided for further assistance.

Occupational Licensure Interstate Compacts in Action

The second compact resource, “Occupational Licensure: Interstate Compacts in Action,” successively details the existing occupational licensure interstate compacts and explores the questions frequently asked by stakeholders. This document serves as a fitting follow-up to the first compact resource by exploring how states put compacts into practice and navigate the key decisions that shape how compacts function.

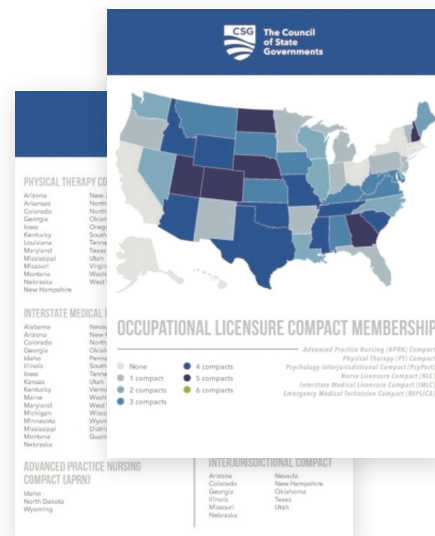


Specifically, the compact resource addresses:

- Compact origination.
- Professions/occupation included in compact.
- States that have adopted the compact.
- Difference in compact models.
- Scope of practice and adverse action procedures.
- Requirements to obtain a license through the compact.
- Requirements for states to join a given compact.

Occupational Licensure Compact Membership Map

The Occupational Licensure Compact Membership Map is a visual and spatial supplement to the more textual compact documents. This map illustrates total occupational licensure compact membership by state, easily conveying to readers where licensing compacts are heavily (or lightly) used. The map also includes a comprehensive list of states that are members of the existing licensing compacts.



Website Hits on Partner Resources

Hits	Resources
20,946	The National Occupational Licensing Database
15,132	"Barriers to Work: People with Criminal Records" report
8,414	Occupational Licensing Legislation Database
6,758	"License Suspension for Student Loan Defaulters" LegisBrief
5,010	"Barriers to Work: Veterans and Military Spouses" report
4,789	"The State of Occupational Licensing" report
4,457	"Barriers to Work: Immigrants with Work Authorization" report
2,182	"Barriers to Work: Low-income, Unemployed and Dislocated Workers" report
1,256	"License Overload?" NCSL State Legislatures magazine article
740	"The Evolving State of Occupational Licensing" report
532	Occupational Licensing Executive Order Tracker

NGA monthly Occupational Licensing newsletter: As of March 2020, there are 200 subscribers and the newsletter has a 36% open rate.

News Coverage of the Consortium and Collaboration with External Organizations

There have been 11 news articles written about the consortium since 2018. The articles appear in a variety of publications and cover a broad swath of licensing topics. Relevant quotes from these articles are interspersed throughout this report.

IV. State Profiles



Project Focus ...

AREAS

- Construction managers
- Construction and building inspectors
- Real estates sales agents
- Security and fire alarm systems installers
- Water and wastewater treatment plant and system operators

POPULATIONS

- Veterans and military spouses
- People with criminal records
- Immigrants with work authorization

The Consortium has helped us with members of our own legislative body, to expect some of the changes because they know this is a national endeavor.

—Representative Bruce Cozart

Action Plan Goals

- Identify any weaknesses in current licensing framework
- Develop an understanding of how and why these weaknesses currently exist within the framework
- Identify best practices to be considered for implementation in Arkansas

Biggest team victories as Consortium members:

- Significant legislation passed on criminal background reforms, military families, and reciprocity.
- ShapeCreation of a Sunset Committee.

What's Next?

- Planned creation of a Sustainability Task Force
- Continued work on Occupational Licensing website and providing training to licensing boards and Sunset Committee Members.

TEAM MEMBERS: Representative **BRUCE COZART** | Senator **JOHN COOPER** | **ATECA WILLIAMS**, Office of the Governor
DARYL E. BASSETT, Arkansas Division of Workforce Services | **GARY ISOM**, Arkansas Real Estate Commission | **FINOS "BUDDY" JOHNSON**, House Parliamentarian



Colorado



Project Focus ...

AREAS

- Barbers
- Cosmetologists
- Electricians
- Plumbers
- Addiction counselors

POPULATIONS

- Veterans and military spouses
- Immigrants with work authorization
- People with criminal records

Having a third party facilitator enabled us to do a lot more than we likely would have done on our own, even given our current structure. We were able to connect with states and leverage some of the work they had already done.

— Ronne Hines, Colorado Department of Regulatory Agencies

Action Plan Goals

- Complete a gap analysis for target occupations and populations and then implement policies to reduce regulatory burden.
- Streamline licensing approaches for the veteran and immigrant populations.
- Draft and implement a policy in support of collateral consequences reform that creates a standardized approach for handling licensing applications from individuals with criminal records.

Biggest team victories as Consortium members:

- Developed an occupation-specific licensing guide directed towards those in the immigrant and refugee community; streamlined licensing for veterans.
- Enacted legislation allowing some foreign-trained workers to substitute prior education and experience towards state licensure.
- Development of a policy to support collateral consequences reform and standardize the way DPO processes applicants from those in the rehabilitated workforce.

What's Next?

- Continuing to work on developing navigation and communication tools to help current and potential licensees including immigrants and veterans navigate the state's regulatory environment.
- Leveraging recently-adopted legislation to implement regulatory policy clarifying and streamlining the processes licensing staff and boards use to review an application from an individual with a criminal history.
- More exploration and best practice research of alternative, competency-based examination tools for entry into the profession.

TEAM MEMBERS : Executive Director **PATTY SALAZAR**, Department of Regulatory Agencies | **RONNE HINES**, Department of Regulatory Agencies
NATHAN BATCHELDER, Department of Regulatory Agencies | **NATE BROWN**, Department of Regulatory Agencies
LAURA BRAVO, Department of Regulatory Agencies | **BRIAN TOBIAS**, Department of Regulatory Agencies



Connecticut



Project Focus ...

AREAS

- Teachers

POPULATIONS

- Veterans
- Military spouses
- Immigrants with work authorization
- Unemployed workers

The Consortium has been a tremendous resource for Connecticut in our continued effort to address occupational licensing barriers and develop new solutions to strengthen workforce.

— Commissioner Kurt Westby,
Connecticut Department of Labor

Action Plan Goals

- Educate new Governor, Lt. Governor, House and Senate about occupational licensing issues
- Develop levels of reciprocity with neighboring states in key industry sectors
- Reduce licenses for jobs with no education and/or training requirements
- Improve and streamline licensure processes

Biggest team victories as Consortium members:

- Developing and passing an act concerning minority teacher recruitment and retention (PA 18-34)
- Developing and passing an act concerning teacher permits for spouses of transferred members of the armed forces (PA 18-144)
- Developing and passing legislation to reduce requirements, streamline processes, and otherwise reduce unnecessary burdens to licensure in several fields including dentistry and education.

What's Next?

- Continue work with Governor Lamont's team to identify priority areas of action within occupational licensing and mobility.
- Gather information and best practices from peers on less burdensome alternatives to licensure for trained professionals, reducing requirements that do not protect public health and safety, and increasing reciprocity in a responsible manner.

TEAM MEMBERS: KATHY MARIONI, Connecticut Department of Labor | JONATHAN DACH, The Office of Governor Lamont | KAREN QUESNEL, Connecticut Department of Labor, Office of Workforce Competitiveness



Delaware



Project Focus ...

AREAS

- Interstate compacts
- Apprenticeship programs
- Creating additional pathways to licensure

POPULATIONS

- Veterans and military spouses
- People with criminal records

Because of our membership in the Consortium, we were able to develop the framework to get several key pieces of reentry legislation passed by our General Assembly that **help remove licensure barriers for justice involved individuals.**

—Romain Alexander,
Office of the Governor

Action Plan Goals

- Lower Barriers to Employment
- Increase Interstate Mobility
- Alleviate Legal Risks

Biggest team victories as Consortium members:

- The passage of legislation to remove barriers for people with criminal records (HB 7, HB 97, HB 124, SB 43)
- Delaware joining the Physical Therapy Compact and Psychology Interjurisdictional Compact
- Improved data coordination between departments

What's Next?

- Improve pathways to licensure for military service members
- Continue to address licensure barriers for justice involved individuals
- Streamline apprenticeship programs with licensure requirements

TEAM MEMBERS: ROMAIN ALEXANDER, Office of the Governor | Senator JOHN WALSH | Representative EDWARD OSIENSKI | Representative HELENE KEELEY | Secretary CERRON CADE, Department of Labor | DAVID MANGLER, Department of State | GEOFF CHRIST, Department of State | STACEY LAING, Department of Labor | RICK FIGURELLE, Department of Corrections | TAKEYA PEREZ, Health and Social Services



Illinois



Project Focus ...

AREAS

- Sunrise legislation
- Removing barriers to licensure for special populations
- Audit of licensed professions and elimination of unnecessary regulations

POPULATIONS

- Low income communities
- Returning citizens
- High and low skilled immigrants
- Ex-offenders

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.

—Ron Payne, Illinois Department of Employment Security

Action Plan Goals

- Enact sunrise legislation.
- Removing barriers to licensure for special populations.
- Elimination of unnecessary regulations.

Biggest team victories as Consortium members:

- Ending the practice of taking disciplinary actions on licensees who fall into default on their student loans.
- HB 2670 – Amending the criminal convictions provision to include that mitigating factors are not a bar to licensure.
- Community outreach increased interest in the program.

What's Next?

- Continue to pursue sunrise review process.
- Continue to review existing licensure requirements.

TEAM MEMBERS 2016–2018: Secretary **BRYAN A. SCHNEIDER**, Illinois Department of Financial and Professional Regulation | Senator **PAMELA J. ALTHOFF**
Representative **TOM DEMMER** | **JESSICA A. BAER**, Illinois Department of Financial and Professional Regulation

MISCHA FISHER, Office of Illinois governor Bruce Rauner | **ERIC EIZINGER**, Illinois Department of Financial and Professional Regulation
DENNIS JUNG, Illinois Department of Financial and Professional Regulation | **ROBERT DIXON**, Illinois Department of Financial and Professional Regulation | **JOHN WEBB**, Illinois Department of Financial and Professional Regulation
DINA MASIELLO, Illinois Department of Financial and Professional Regulation | **TERRY HORSTMAN**, Illinois Department of Financial and Professional Regulation
SEAN O'KELLY, Illinois Department of Financial and Professional Regulation | **CAB MORRIS**, Illinois Department of Financial and Professional Regulation

TEAM MEMBERS 2018–2020: Representative **THERESA MAH** | Representative **ANNA MOELLER**
CECILIA ABUNDIS, Illinois Department of Financial and Professional Regulation | **YANGSU KIM**, Division of Professional Regulation | **RON PAYNE**, Illinois Department of Employment Security



Indiana



Project Focus ...

AREAS

- Dental hygienists
- Emts or paramedics
- Nursing assistants
- Licensed practical nurses

POPULATIONS

- Veterans and military spouses
- Dislocated workers

The Consortium helped to connect us to experts on policy issues we were interested in learning more about. The Consortium also facilitated bringing such experts to our in-state meeting. This convening brought stakeholders in Indiana together at our state capitol to discuss the objective facts about the issues we were focusing on.

-Courtney Randolph, Bowen Center for Health Workforce Research and Policy

Action Plan Goals

- Generate policy recommendations for the General Assembly aimed at 1) removing unnecessary barriers to labor market entry and 2) enhancing portability of licensure for targeted professions.
- Establish or identify infrastructure to support ongoing review and analysis of licensing policy for all occupations in Indiana.

Biggest team victories as Consortium members:

- Enacted legislation allowing the state to join the Enhanced Nurse Licensure Compact in 2019.
- Thorough and early engagement of all relevant stakeholders through the Governor's Health Workforce Council to ensure initiative and program alignment wherever possible.
- Development of a comprehensive understanding of occupational licensing and regulation in the state, as well as how Indiana compares to its neighbors and others across the nation.

What's Next?

- Continue to conduct research and stakeholder engagement for any new proposed licensure compacts and prepare strategies for effective implementation of compacts that do not threaten Indiana's ability to accurately report on state workforce capacity.
- Provide research and support whenever called upon during discussions with the legislature.
- Continued focused on broader licensing and regulatory processes beyond the four initially identified focus occupations and two population groups.

TEAM MEMBERS: HANNAH MAXEY, Bowen Center for Health Workforce Research and Policy

COURTNEY RANDOLPH, Bowen Center for Health Workforce Research and Policy | Representative CYNTHIA KIRCHHOFFER | DR. KEN SAUER, Indiana Commission for Higher Education | DR. MICHAEL KAUFMANN, Indiana State EMS Medical Director | KATIE ROUNDS, Department of Workforce Development



Kentucky



Project Focus ...

AREAS

- Licensing board reorganization and training
- Licensing systems
- Removing barriers to licensure

POPULATIONS

- Veterans and military spouses
- Individuals with criminal records
- Immigrants with work authorization
- Long term unemployed and dislocated workers

The biggest advantage that we have seen [participating in the Consortium] is really getting to be involved with different stakeholders and legislators from different states. Every state approaches it differently and I think that it's given us a lot to consider.

—Commissioner Isaac VanHoose,
Department of Professional Licensing

Action Plan Goals

- Reorganize occupational licensing boards under the appropriate functional model to effectively and efficiently provide administrative support, enhanced communication between regulators and policymakers, and consistency of regulations and administrative procedures
- Create a one-stop, electronic licensing system for licensure and license renewals
- Identify and implement best practices for licensure to remove barriers for under employed population groups

Biggest team victories as Consortium members:

- Passed legislation to provide expedited licensure for military members, veterans, and their spouses.
- Designed a web clearinghouse for all profession and occupational licensing boards.
- Hosted a training for Kentucky's licensing boards on best practices for regulators.
- Several boards voluntarily reorganized under the Department of Professional Licensing.

What's Next?

- Continue to improve pathways to licensure for veterans and transitioning military personnel through the state's Veterans Accelerated Learning for Licensed Occupations project.
- Continue to address the needs of other disproportionately affected population groups.

TEAM MEMBERS: Representative **ADAM KOENIG** | Senator **JOHN SHICKEL** | **BRYAN MORROW**, Public Protection Cabinet | **ZACH MORGAN**, Commission on Military Affairs
TAMARA MCDANIEL, Kentucky Board of Respiratory Care | **JULIE CAMPBELL**, Board of Cosmetology | **ROB AKERS**, Department of Education | Secretary **GAIL RUSSELL**, Public Protection Cabinet*
 | Commissioner **ISAAC VANHOOSE**, Department of Professional Licensing* | **BLAINE HEDGES**, Kentucky Commission on Military Affairs* | **LARRY BROWN**, Department of Professional Licensing*
BRAD MONTELL, Kentucky Education & Workforce Development Cabinet* | **BRIAN HOULLION**, Department for Local Government* | **ELLEN ADKISSON**, Office of the Governor*
HEATHER BECKER, Kentucky Real Estate Authority* | **ROBERT WARD**, Public Protection Cabinet*

* no longer in their referenced position in state government



Maryland



Project Focus ...

AREAS

- Barbers
- Cosmetologists
- Plumbers
- Heating, air conditioning and refrigeration mechanics and installers (HVACR)

POPULATIONS

- Immigrants
- Individuals with a criminal record
- Veterans and military spouses

I really value the partnerships that we've established. I feel now that there's a network of people that I can call all across the country and say, "Hey, we're thinking about doing this. Have you done it? What was your experience? Who was opposed to it? Who supported it?"

— Victoria Wilkins, Maryland Department of Labor

Action Plan Goals

- Convene regular stakeholders to connect interests and skills of barriers to job seekers with the needs of local businesses.
- Learn and apply strategies from other states to promote accessibility and mobility.
- Create tools for special populations to alleviate restrictive requirements.
- Establish compacts and reciprocity with other states.
- Educate board members on best practices for least restrictive licensing process.

Biggest team victories as Consortium members:

- Improving testing accessibility by allowing interpreters for barber and cosmetology licensure exams.
- Improved the board member vetting process to ensure new board members understand Maryland's Division of Occupational and Professional Licensing preference for the "least restrictive regulation."
- Increased, regular communication and engagement among key licensing stakeholders.

What's Next?

- Continue providing training to board members on "least restrictive" licensing processes.
- Continue to engage the Governor's office in conversations on reciprocity measures.
- Engage the Department of Corrections and Workforce Development to discuss licensing and job opportunities for the returning workforce.

TEAM MEMBERS: VICTORIA WILKINS, Maryland Department of Labor | AUGUSTIN NTABAGANYIMANA, Department of Human Services
CHRISTOPHER CARROLL, Department of Information Technology | RACHEL ALLEN, State Board of Cosmetologists | ERICA LEWIS, Maryland Department of Labor



Nevada



Project Focus ...

AREAS

- Nursing
- Contractors

POPULATIONS

- Veterans and military spouses
- People with criminal records

Participation in the Consortium allowed us to **learn, network, and discuss the practices, costs, opportunities and challenges related to occupational licensing, both in Nevada and throughout the country.**

- Charles D. Harvey, Physical Therapy Examiners'
Board of Nevada

Action Plan Goals

- Identify and implement licensing best practices that deliver high quality services, achieve the state's goals of a skilled workforce, and remove barriers.
- Expand opportunities for interaction between key stakeholders regarding barriers to licensing.

Biggest team victories as Consortium members:

- State Contractors' Board passed three bills to simplify and modernize their licensure process and provide licensure benefits to activated military.
- AB 319 allows predetermination for individuals with a criminal record who apply for a license.
- AB 275 prohibits bodies from denying a certification, license, or permit to an applicant solely based on immigration or citizenship status.
- SB100 provided expedited teaching licenses for military spouses.
- The State Board of Nursing, in partnership with the NSHE, received approval and funding for a licensed practical nurse program in high schools.

What's Next?

- Conduct a study utilizing a new Occupational Licensure Grant from the DOL to inform recommendations to the legislature.
- Sunset Committee will conduct an ongoing review of boards and commissions and a SCR6 study of licensing boards.
- Pass nursing and physical therapy compacts.
- Continue to remove barriers for special populations, like those criminal backgrounds and military spouses.
- Continued focused on broader licensing and regulatory processes beyond the four initially identified focus occupations and two population groups.

TEAM MEMBERS: DENNIS A. PEREA, Department of Employment, Training and Rehabilitation

MARJI PASLOV THOMAS, Research Division, Legislative Council Bureau | CESAR MELGAREJO, Legislative Council Bureau

CATHY DINAUER, State Board of Nursing | NANCY MATHIAS, State Contractors' Board





Utah



Project Focus ...

AREAS

- Improving pathways to licensure
- Reducing overly burdensome regulations

POPULATIONS

- Veterans and military spouses
- Individuals with criminal records
- Immigrants with work authorization

[Utah's state policy goals] were helped by **convening us together with leaders from other states and learning from their successes and challenges.**

—Mike Mower, Office of the Governor

Action Plan Goals

- Continue the Occupational and Professional Licensure Review Committee's Role as a Force for Review and Change
- Improve Policy Processes
- Reduce Barriers to Labor Market Entry for Licensed Occupations
- Strengthen Licensure Portability

Biggest team victories as Consortium members:

- The passage of legislation to expand licensure portability for military spouses (SB 27)
- Removing barriers for justice involved individuals through legislation (including revising good moral character clauses and allowing the pre-determination of license eligibility)
- Passed legislation to allow competency-based licensing requirements under certain circumstances
- Improved coordination between stakeholders, including policy makers and policy implementors in the executive and legislative branches

What's Next?

- Identify and target additional occupations for licensure reform considerations
- Improve opportunities for the state's immigrant population to enter licensed occupations
- Improve the state's sunset review process

TEAM MEMBERS: Senator **TODD WEILER** | Senator **WAYNE HARPER** | Representative **JAMES DUNNIGAN** | Representative **NORM THURSTON** | Representative **BRIAN GREENE*** | **MIKE MOWER**, Office of the Governor | **FRANCINE GIANI**, Department of Commerce* | **MARK STEINAGEL**, Division of Occupational and Professional Licensure | **LYNN PURDIN**, Department of Workforce Services | **MELISA STARK**, Department of Workforce Services | **ADAM SWEET**, Legislative Research and Counsel Bureau | **PETER ASPLUND**, Legislative Research and Counsel Bureau

* no longer in their referenced position in state government



Wisconsin

1848



Project Focus ...

AREAS

- Interstate compacts
- Apprenticeship programs
- Creating additional pathways to licensure

POPULATIONS

- Veterans and military spouses
- People with criminal records
- Dislocated and low-income workers
- Immigrants

Our biggest success has come from taking the **knowledge gained from conferences and conversations with other states to inform licensure process improvements in regards to reciprocity and pathways to licensure for military service members and their spouses.**

—Secretary Dawn Crim,
Department of Safety and Professional Services

Action Plan Goals

- Reduce Barriers to Employment
- Increase Interstate Mobility

Biggest team victories as Consortium members:

- Successful repeal of the sunset provision for the Medical Licensure Compact
- Requiring a bi-annual study to keep licensure fees near at-cost levels for the department
- Improved information sharing between departments

What's Next?

- Improve pathways to licensure for military service members
- Work with border states to identify occupations for reciprocity or privilege to practice agreements
- Increase the flexibility of the department around licensure policy

TEAM MEMBERS 2016–2018: WILL NEITZEL, Office of the Governor | Representative CODY HORLACHER | Senator CHRIS KAPENGA
ANNA SCHWARZ, Office of Rep. Cody Horlacher, Wisconsin Legislature | KYLE KOENEN, Office of Sen. Kapenga, Wisconsin Legislature
ANDREW EVENSON, Department of Workforce Development | BJ DERNBACH, Department of Workforce Development
DUSTIN RIDINGS, Emergency Medical Services Board | SARAH OLSON, Physical Therapy Examining Board
COLLIN ROTH, Wisconsin Institute for Law and Liberty | MICHAEL JAHR, Badger Institute

TEAM MEMBERS 2018–2020: Secretary DAWN CRIM, Department of Safety and Professional Services | KIRSTEN READER, Department of Safety and Professional Services | DENISE TROKAN, Department of Safety and Professional Services | NATHAN YAHN, Department of Safety and Professional Services
MICHELLE BEASLEY, Department of Safety and Professional Services | JOANNA RICHARD, Department of Safety and Professional Services
DAN HERETH, Department of Safety and Professional Services | DALE KLEVEN, Department of Safety and Professional Services | YOLANDA MCGOWAN, Department of Safety and Professional Services | TOM RYAN, Department of Safety and Professional Services | DYLAN BRUCE, Department of Safety and Professional Services



V. Occupational Licensing Trends

Summary of Legislative Trends

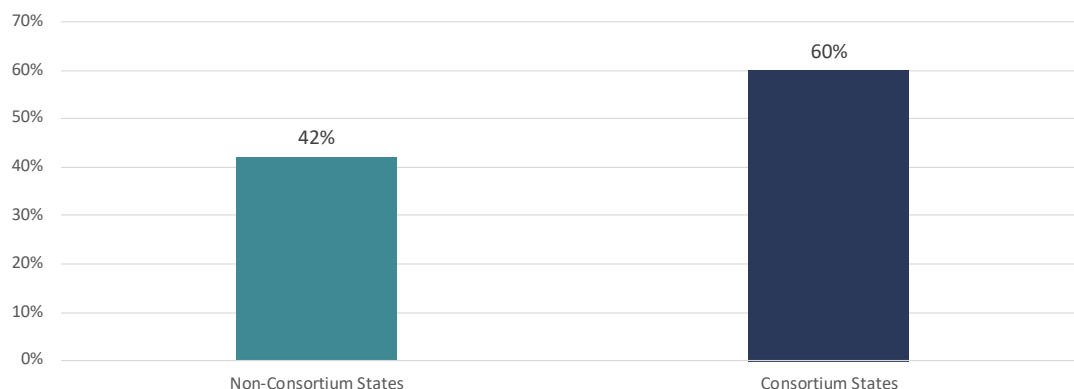
NCSL tracked and analyzed all legislation introduced in state legislatures across the country from 2017 to 2019 that addressed occupational licensing. Over the three years, at least 2,018 pieces of legislation relating to occupational licensing were considered by state legislatures in all 50 states. NCSL categorized bills based on 12 topics and four population groups. Legislative activity was also broken down based on the project's original 11 consortium states compared to non-consortium states.

Of the 12 topics tracked, the most common topic addressed in state legislatures were related to fees or requirements, with 122 bills enacted from 2017 to 2019. Licensing for ex-offenders received the most attention among the populations tracked. While non-consortium states introduced more bills in total than consortium states, the rate at which those bills were enacted was substantially higher among the consortium states.

Categories for NCSL Database

- | | |
|---|---|
| 1. Occupational Licensing Antitrust Issues | 9. Occupational Licensing Required Exams |
| 2. Occupational Licensing Board Issues | 10. Occupational Licensing Required Fees |
| 3. Occupational Licensing De-licensing Measures | 11. Occupational Licensing Studies/Analyses |
| 4. Occupational Licensing General Issues | 12. Occupational Licensure Requirements |
| 5. Occupational Licensing Law Exemption | 13. Military, Veterans and/or Their Spouses |
| 6. Occupational Licensing Reciprocity Measures | 14. Newly Created Occupational Licensing Measures |
| 7. Occupational Licensing Regulatory Oversight Measures | 15. Immigrants with Work Authorization |
| 8. Occupational Licensing Required Education | 16. Individuals with Criminal Records |
| | 17. Unemployed and/or Dislocated Workers |

Enactment Rate of Occupational Licensing Bills in State Legislatures

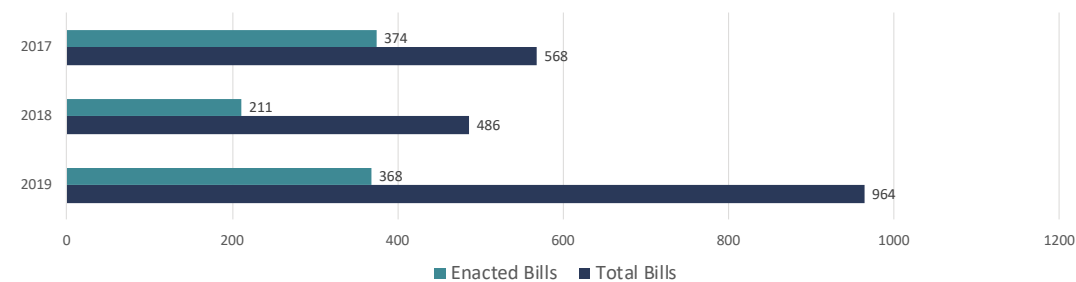


Analysis by Year

Many factors can affect legislative activity, including elections, changes in partisan majorities, evolving political priorities and the fact that four states only hold session in odd years. When looking at legislative activity over each of the project's three years, 2018 saw the fewest bills introduced. In 2019, there was a significant increase in the number of bills introduced. Further analysis would be required to explain the reason for this increase. Despite the spike in introduced bills, the number of bills signed into law was less than in 2017—they year most bills became law.

Increasing or decreasing licensing fees or requirements, and reciprocity, were the top issues addressed in state legislatures in 2017. Requirement clarification, increasing fees or requirements, and reciprocity were the top issues in 2018. And requirement clarification, modifying the scope or exemptions of licenses, and both increasing and decreasing licensing fees and requirements topped the list in 2019.

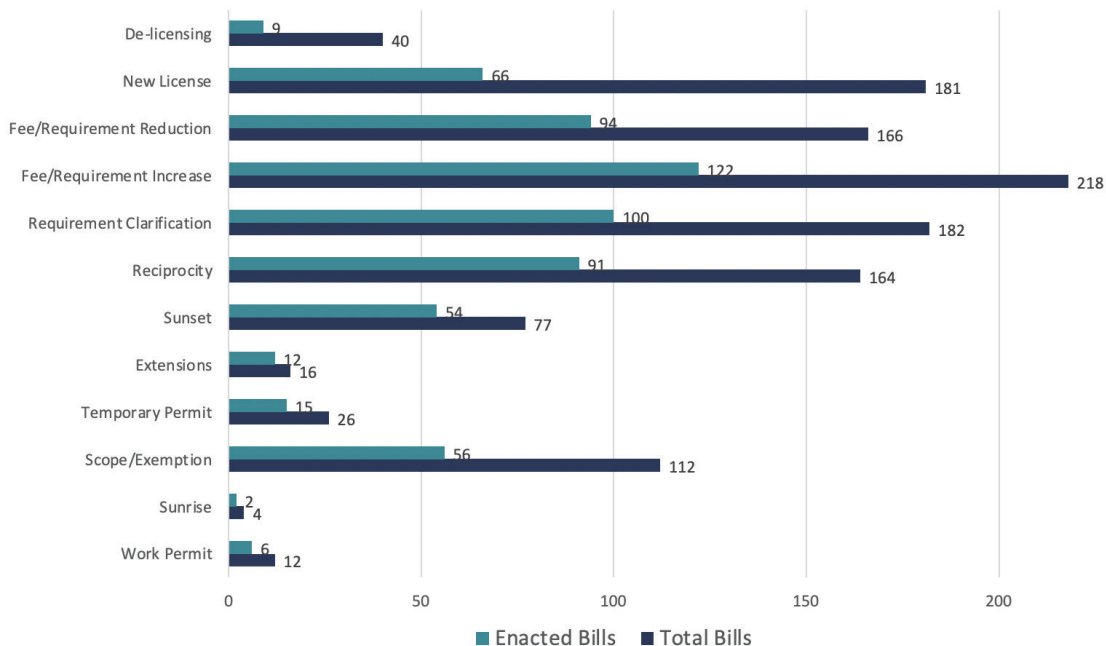
Number of Occupational Licensing Bills in State Legislatures, 2017-2019



Bill Topics

Increasing licensing fees and requirements were the most addressed topics in state legislatures from 2017 to 2019, with 122 enactments out of 218 introduced bills. States also considered high numbers of bills that clarified requirements, addressed reciprocity across states, and reduced fees or requirements.

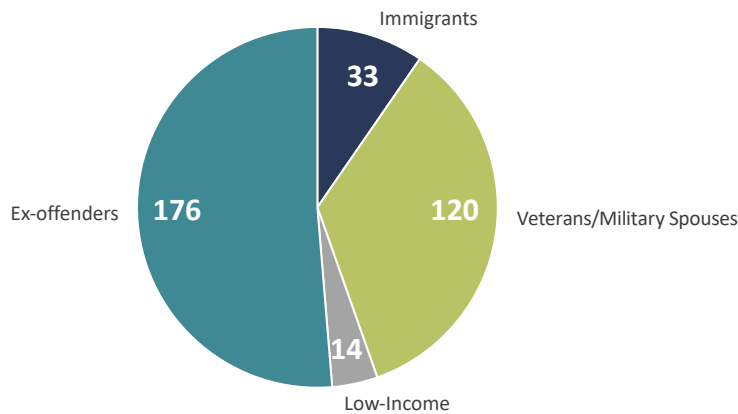
Occupational Licensing Bills Considered/Enacted by Topic



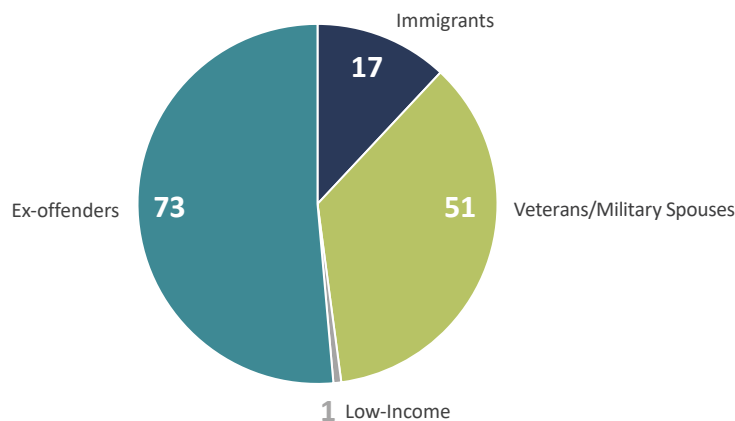
Populations

Of the four population groups tracked, states gave the most attention to licensing for ex-offenders, with 73 enactments out of 176 bills introduced. States were also active on licensing for veterans and military spouses. States spent less time addressing immigrants with work authorization and low-income workers.

Total Bills Introduced by Population, 2017-2019



Enacted Bills Introduced by Population, 2017-2019



Interstate Compacts

One of the major legislative trends over the past few years has been the creation and adoption of interstate compacts to facilitate licensure portability. Since 2014, seven licensure compacts have been established through the associated compact legislation. Over the course of the project (2017-2020), 106 individual pieces of compact legislation have been passed by states.

State Policy Trends in 2020

The unexpected emergence of the COVID-19 pandemic has drastically changed legislative priorities for 2020. States transitioned into an emergency response mode. To protect the health of legislators and legislative staff, at least 20 states exercised social distancing recommendations at their regular 2020 legislative sessions. Many states have either reconvened or held special sessions in the second half of 2020. While the pandemic delayed the legislative response to the COVID-19 health emergency, state policymakers have continued to respond.

Occupational licensing has emerged as a critical component of the COVID-19 emergency response as states seek to quickly scale up their health care workforce to meet rising demands for medical treatment. With so many state legislatures having had their 2020 sessions interrupted, the bulk of state actions have been achieved through executive order and administrative rule changes. States are pursuing various strategies to grow their essential workforce, including:

- Accelerating the licensing process for physicians, nurses and other licensed health workers.
- Increasing interstate reciprocity.
- Reducing, or even eliminating, licensing fees.
- Issuing temporary licenses and expanding scope of practice for medical/nursing students and retired medical professionals.

Beyond the front-line health care workers, some states are temporarily easing restrictions on other critical licensed occupations, like child care workers, mental health providers, social workers and telehealth professionals. Indiana issued a 60-day extension to all expiring occupational licenses in the state. To date, all 50 states and Washington, D.C., have taken some sort of action to address occupational licensing in response to the COVID-19 emergency. This includes 11 bills enacted in eight states. Policymakers do have some experience temporarily suspending licensing requirements in response to emergencies. Prior to the COVID-19 pandemic, the partners tracked three states that had taken similar action through executive order in recent years, all in response to natural disaster emergency declarations.

States are not limiting their 2020 actions to the pandemic response. As legislatures reopened, they addressed occupational licensing in other areas—albeit at a much lower rate than previous years. As of August 2020, 26 states have enacted at least 50 bills. The issues receiving the most attention are licensing for military spouses, regulatory oversight and licensing for those with criminal records.

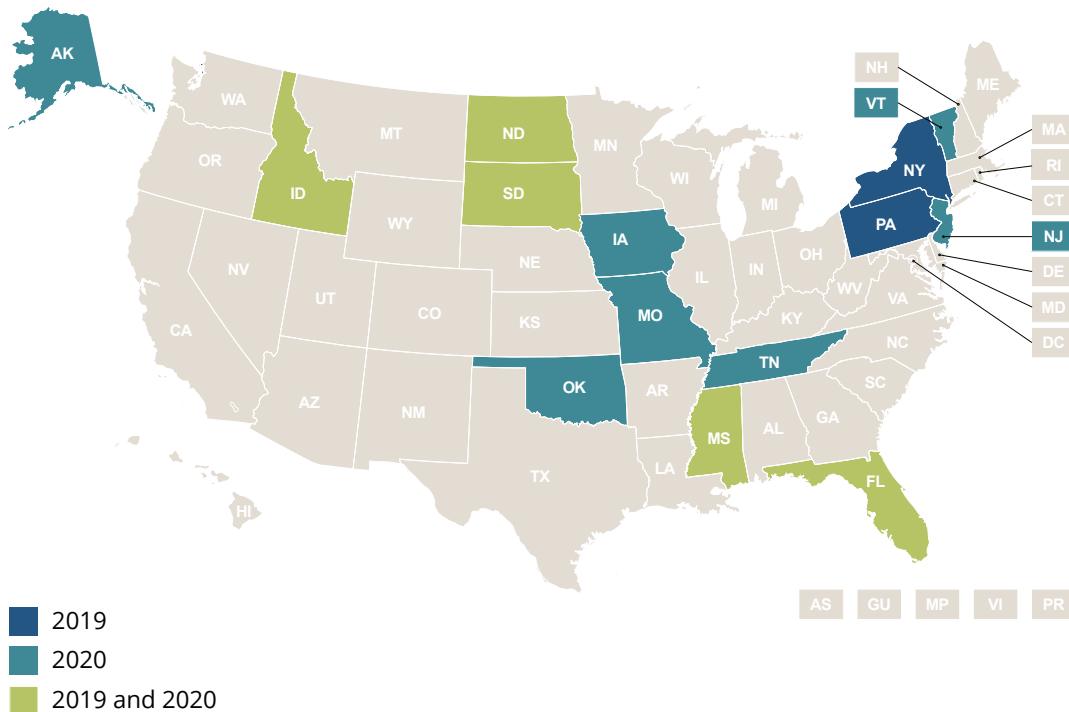
Governors' Role in Occupational Licensing

Governors can play a significant role in advancing a state's occupational licensing efforts by elevating the issue as a statewide policy priority and taking direct action through the use of executive order. Occupational licensing has been a priority for many governors over the past several years, as evidenced by significant gubernatorial interest and action on the topic across the country.

Elevating Occupational Licensing as Statewide Policy Priority

Governors can use their state of the state address to establish a sense of priority for taking action to improve occupational licensing policies. Eight governors mentioned occupational licensing in their state of the state addresses in 2019. During legislative sessions that year, relevant legislation was introduced in every state in which the governor mentioned occupational licensing in his or her state of the state address, and relevant legislation was passed in six of the eight states. This indicates a strong influence of a governor's priority setting on legislative action.

Occupational Licensing State of the State Addresses, 2019-2020



	2019	2020
State of State Mentions	8	13
Relevant Legislation Introduced	8	
Relevant Legislations Passed	6	

Governors' 2020 state of the state addresses have demonstrated that the emphasis on occupational licensing as a policy priority for governors is an enduring trend. As of March 1, 2020, 13 governors mentioned occupational licensing in their 2020 address. Many of these governors used their address to celebrate accomplishments in licensing policy over the past year. Governors also used their remarks to urge policy action in the coming year. Improving license reciprocity and recognizing and alleviating burdens for special populations, like those with a criminal record and military families and veterans, emerged as key themes in these addresses.

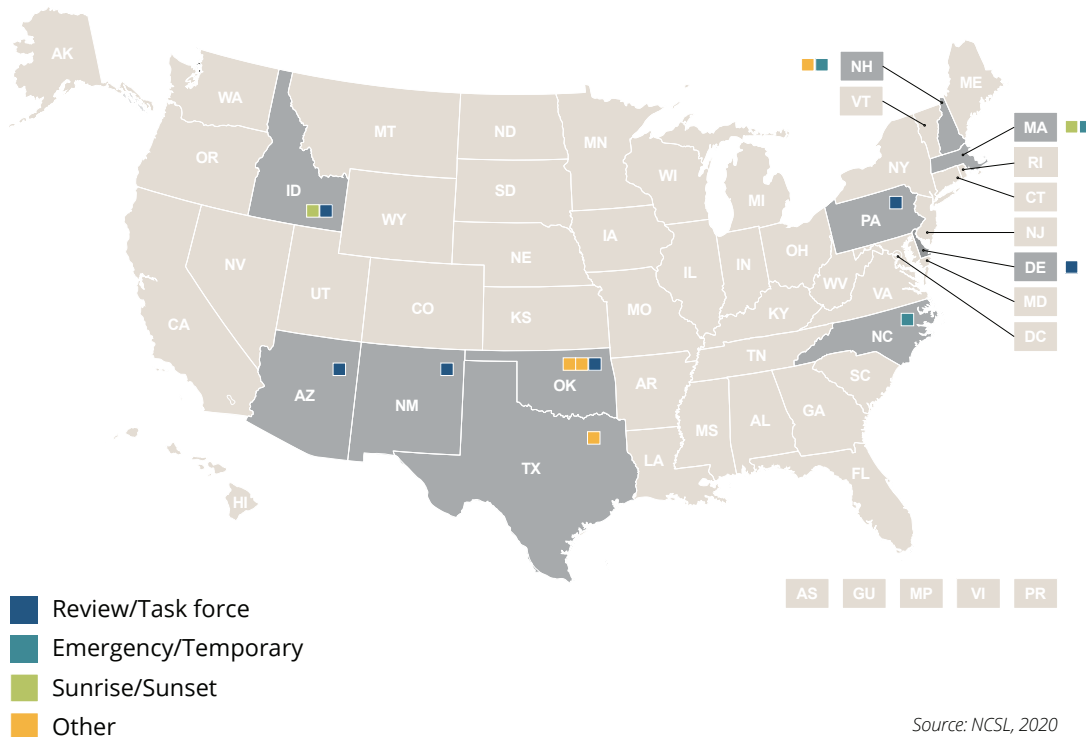
Executive Order

In addition to setting priorities for the legislature to act on, governors can use their executive order authority to address occupational licensing policy reforms in a variety of ways. From 2016 to 2019, 10 governors issued 15 executive orders taking action on issues related to occupational licensing.

The most common way governors have used their executive authority in the 2016-2019 time period has been to mandate a statewide review of their occupational licensing system, often by establishing a dedicated task force. During this time, four governors—Arizona Governor Doug Ducey, New Mexico Governor Susana Martinez, Oklahoma Governor Mary Fallin and Pennsylvania Governor Tom Wolf—have used their executive power to call for such a review. These reviews are used to identify challenges within the state's licensing systems and processes and can be used to inform subsequent policy action. Mandating this type of review may be a politically palatable way for governors to initiate the process of improving occupational licensing rather than changing policies directly without engaging the legislative process.

Other governors have used executive orders to make more systemic changes to licensing policy and procedures. For example, Governor Brad Little of Idaho and Governor Charlie Baker of Massachusetts both used their executive order power to establish sunrise and sunset processes in the state. Governor Mary Fallin of Oklahoma signed an executive order in 2018 requiring the creation of a database to serve as a central source of statewide information related to occupational licensing. These executive orders demonstrate how governors can make more systematic and permanent changes to occupational licensing policies and procedures in accordance with their priorities. All these examples demonstrate how executive action can be a powerful tool that governors can use to make timely policy changes.

Occupational Licensing Executive Orders, 2016-2019



Year	Number of Executive Orders
2016	4
2017	3
2018	5
2019	4

Topic	Number of Executive Orders	States
Statewide Review/Taskforce	4	AZ, NM, OK, PA
Emergency/Temporary	3	NC, MA, NH
Sunrise/Sunset	2	ID, MA

Gubernatorial Engagement by the Consortium

All states participating in the consortium had a representative from their governor's office on their team in order to align the group's work with executive priorities and garner support from the executive branch. Through this liaison, participating states leveraged their governors' offices in their work in a variety of ways. For example, in Indiana, the consortium core team worked closely with Governor Eric Holcomb's Health Workforce Council to improve licensing policies and processes to address a labor shortage in the health sector. The alignment of the consortium team's priorities with this initiative led by the governor was a catalyst for Indiana joining the Nurse Licensure Compact. The Indiana core team has identified its collaboration with the working group as a key strategy for keeping momentum in this work moving forward beyond the end of the grant.

In Arkansas, Governor Asa Hutchison established the Governor's Red Tape Reduction Working Group (RTRWG) in 2019. Arkansas' consortium home team was appointed by Hutchison to form the Occupational Licensing Advisory Group, which was tasked with advising the RTRWG. This collaboration led to The Red Tape Reduction Sunrise and Sunset Act of 2019 being passed and enacted. This legislation reflected Hutchison's and the consortium home team's priorities and was informed by the information-sharing the home team engaged in through the consortium.

States maintained executive support through gubernatorial transitions by actively engaging top executive officials early on in the new administration. For example, in Nevada, the director of the Governor's Office of Workforce Innovation (OWINN) under the Sandoval administration was an active participant in the Nevada core team. When a new director was appointed under the Sisolak administration, the core team immediately reached out to engage him in its work. This led to consistent participation from the executive branch amid a gubernatorial transition, allowing the team to maintain momentum in its work, even with an executive branch party change.

State Spotlight: Idaho

Though Idaho was not one of the original states in the consortium, it, along with several other states, joined the consortium in 2018. The state's work benefitted significantly from the support of the governor's office. (See Consortium Expansion section for more information on added states.) Governor Brad Little has made occupational licensing a cornerstone of his policy agenda and has led the state to improve its licensing processes through legislative and executive action. Soon after taking office in January 2019, Little made his priorities around occupational licensing clear in his state of the state address: "Late last year [as lieutenant governor], I finalized a report that outlined the scope of occupational licensing in Idaho and provided key recommendations. Working closely with the Legislature I intend to fulfill all recommendations from the Licensing Freedom Act—reducing regulatory burdens and improving customer service while protecting the public. My first executive order as governor will put in place two of those recommendations: sunrise and sunset processes for future occupational licensing laws."

Later that month, Little issued two executive orders: The Licensing Reform Act of 2019 and The Red Tape Reduction Act. The Licensing Reform Act of 2019 fulfilled the promise made in the governor's executive order by establishing a sunrise and sunset review process. The Red Tape Reduction Act requires state agencies that have authority to issue administrative rules to identify at least two existing rules to be repealed or significantly simplified for every one rule they propose. These two executive orders were only the beginning of occupational licensing policy change in 2019. The Legislature passed eight bills related to occupational licensing in 2019, including one providing more flexibility for those with language barriers and another expanding recognition of military training. The significant and timely progress on occupational licensing

in the state demonstrates how policy can be influenced both directly and indirectly under the leadership of the governor.

In his 2020 state of the state address, Little celebrated successes of the previous legislative session and set priorities for the upcoming session: “Last year, we were successful in fast-tracking licensing processes for veterans, members of the military, and their spouses, making it easier for them to start work after relocating here. Building on that success, I pledge to work with the Legislature this session and broaden those processes so that individuals moving to Idaho from another state can start working as quickly as possible.”

Population Trends

Population Highlights Deep Dive

As mentioned earlier in the Trends section on page 37, the project examined the ways different population groups were disproportionately affected by licensing regulations. During the application process, consortium states were asked to identify which population groups they aimed to focus on. Although certain population groups did receive more attention than others, all were addressed by at least one state. Many consortium states also realized that policy solutions to address one population often benefited multiple population groups. This finding will be addressed further in the Lessons Learned section, beginning on page 55. Below is a deep dive into a few specific actions taken by consortium states. The examples draw from both legislative actions and executive/regulatory actions.

People with Criminal Records: Delaware

Addressing barriers for people with criminal records was a topic that saw a significant amount of attention both nationally and among the consortium states. Generally, state action on this issue falls into a few broad categories. These categories include, but are not limited to, limiting the length of time criminal convictions can prevent licensing, specifying the types of disqualifying criminal convictions, and allowing for predetermination (or early ruling) if an applicant’s criminal history will disqualify them for licensure. Seven consortium states paid special attention to this population, devoting significant time and resources to reviewing potential barriers to licensure and areas for improvement.

In 2016, Delaware Governor Jack Markell signed Executive Order 60. This order created a committee to review the state’s current licensing requirements. One of the committee’s recommendations was to reduce barriers for justice-involved individuals by creating a list of crimes that are substantially related to the profession.

In 2018, the Delaware legislature passed **HB 97 (now Act 214)**. This bill states that a person can only be denied a license based on a criminal record if the conviction happened in the last 10 years and is “substantially related” to the practice of cosmetology or barbering. The board could also provide a waiver for a felony conviction for a crime against a person if the conviction happened over three years prior to licensing, and for all other felony convictions if they happened more than two years ago. The applicant also cannot be actively completing a sentence parole, or any other court- required actions like community service before applying.

After Act 214 was signed into law, Carney signed an executive order creating the Delaware Correctional Reentry Commission. This commission is responsible for creating and implementing efficient and effective reentry initiatives that are rooted in evidence. In 2019, following the passage of Act 214, four more pieces of similar legislation were introduced for **massage therapists; electricians; heating, ventilation and air conditioning (HVAC) operators;; plumbers; and real estate agents.**

Delaware’s work to improve access to licensure for workers with a criminal record was achieved through a combined effort by the legislature and the governor’s office. The research and coordination from the

governor's committees and commissions helped inform the legislation championed and passed by the legislature. Act 214 passed with no opposition. Though the other four pieces of legislation encountered some opposition, it was minimal. HB 124 and HB 43 each passed with only one "no" vote in the House. HB 7 passed with only one "no" vote in the Senate.

Veterans and Military Families: Utah

Addressing barriers for veterans and military families was another topic that saw significant interest among both consortium and non-consortium states. Nine consortium states focused specifically on this population group, as outlined in their action plans. National legislative trends focused on expediting licensure processes, creating temporary licensure or exempting veterans and military spouses from state licensure requirements if they were previously licensed in another state.

“

“A study by the National Conference of State Legislatures noted that the military trains people in skills applicable to at least 962 civilian occupations. The burden of achieving different licensing standards in different states make the transition from military to civilian life even more onerous, the study said.”

– U.S. News, July 22, 2019

”

In 2018, the Utah Legislature passed [SB 227](#), one of the first pieces of legislation of its kind. The bill provides exemptions from licensure for a variety of professions for both individuals serving in the military and spouses of those serving in the military if the applicant has a valid existing licensing in another jurisdiction. The bill also exempts certain military spouses and those actively serving in the military from paying licensing fees in Utah.

To qualify for this exemption, applicants must:

- Either be actively serving in the military or be the spouse of someone actively serving.
- Hold a valid and active license to practice in another state.
- Be in good standing in the state or jurisdiction where they hold the license.

SB 227 passed with no opposition. The bill was intended to build off similar legislation from 2011: HB 384. This bill created exemptions for veterans and active-duty military for professions that fell under Utah's Division of Occupational and Professional Licensure. SB 227 expanded the occupations covered under the exemption. In Utah, the legislative-dominant approach worked exceedingly well.

Immigrants with Work Authorization: Colorado

Addressing barriers for immigrants received less attention than people with criminal records or veterans and military families. Four consortium states, however, ultimately focused closely on this population. One of the most significant pieces of legislation on this issue came from Colorado.

Similar to Delaware's efforts, Colorado's work on reducing burdens for immigrants was a joint effort between executive branch officials and legislators. The work started in Colorado's Immigrant Gap Analysis Committee, a committee the consortium team formed to better understand licensing barriers for this population and to help drive policy. The committee found that barbers and cosmetologists in Colorado have some of the highest numbers of immigrant applicants. The committee convened stakeholders and led focus groups on the topic. From its research and convenings, the committee helped create and advocate for the passage of [HB 1290](#).

HB 1290, which was considered during the 2019 legislative session, allows an applicant to substitute the required hours of training for licensure as a barber or cosmetologist with work experience gained in a foreign country. The applicant must submit documentation of their foreign work experience to qualify.

The experience conversion allowed three months of documented experience to substitute for every 100 required hours of training. However, required hours related to health, safety and disinfection cannot be substituted. This bill does not reduce requirements for passing the exam for licensure.

Low-Income, Dislocated and Unemployed Workers: Wisconsin

Addressing barriers for low-income, dislocated and unemployed workers saw the smallest amount of attention both nationally and from consortium states. Legislation for this population generally looked at addressing fees and the initial cost of licensure. This population group did not receive as much attention, overall, from consortium states, mainly because it is a harder population group to define and these individuals often fall into one of the other population groups. Additionally, this project largely took place from 2017 to 2019, years featuring nationwide economic growth.


Wisconsin passed **AB 733 (now Act 319)** in 2017. This act allowed license applicants making less than 180% of the federal poverty level to pay only 10% of licensure fees. The bill only applies to certain licensed professions. Act 319 initially waived all fees for applicants making less than 180% of the federal poverty level. However, this version of the bill received pushback in the Legislature. By changing the amount of fees paid to 10%, the bill received bipartisan support and was enacted. Act 319 was also part of Wisconsin's larger consortium participation goal of reducing licensing barriers for populations disproportionately affected by licensure requirements.

Trends: Licensing Boards and Portability Options

Licensing Boards

The inclusion of state licensing boards during the project proved to be an integral part of the design and success of consortium state action plans. Licensing boards and their staff can act as the primary purveyors of licensure regulations and often serve as the direct points of interaction between license holders and applicants. Though licensing regime structures vary by state, licensing boards are commonly tasked with issuing and renewing licenses, overseeing licensure examinations and continuing education, hiring and managing staff, promulgating rules, and communicating and conducting outreach to the legislature and other stakeholders.

These regulating entities therefore serve as key stakeholders for states that are seeking to enact licensure reforms. For example, licensing boards can provide legislative input and support during the policymaking process or they can enact regulatory changes themselves through rulemaking. Recognizing their importance, consortium states have cited licensing board education and involvement as a key contributor to the success of licensure reforms.

 OCCUPATIONAL LICENSING: ASSESSING STATE POLICY AND PRACTICE 2018 Multi-State Learning Consortium Meeting Pre-Conference Sand Key Resort Clearwater, Florida November 28, 2018 Final Agenda	
Wednesday, November 28, 2018	
7 a.m. – 5 p.m.	Registration
8 – 9 a.m.	Breakfast Program: Occupational Licensing 101 Overview of Occupational Licensing Policy in the states including current trends, practices and issues. <ul style="list-style-type: none"> • Moderator: Suzanne Hultin, NCSL • Speaker: Elizabeth Whitehouse, CSG • Speaker: Ryan Nunn, Brookings Institution
9 – 10 a.m.	Populations Overview Introduction and overview of the population groups and research from the Partners' to-date. <ul style="list-style-type: none"> • Speaker: Ann Morris, NCSL • Speaker: Geoff King, NGA Center • Speaker: Rachael Stephens, NGA Center • Speaker: Chidi Umeh, CSG Justice Center
10 – 10:15 a.m.	Introduction to State Team Time Discussion of resources available from the Partners' to each of the new states and basic action planning overview. <ul style="list-style-type: none"> • Speaker: Iris Huntge, NCSL • Speaker: Jessica Baer, Illinois Department of Financial and Professional Regulation
10:15 – 10:30 a.m.	Break
10:30 – 11:45 a.m.	State Team Time/Licensure Mobility Seminar States will start their action planning process with their lead facilitator. Regulatory board members will convene for a seminar on forms of licensure mobility.

Board Inclusion in State Teams

During the project, consortium states were given the opportunity to include licensing board members in their state core and home teams. Some states, such as Arkansas and Nevada, had substantial participation from their licensing boards. Arkansas' home team, named the Occupational Licensing Advisory Group, consisted of members from the nursing, medical, real estate, barbering, cosmetology, contractors and veterinary boards.

Nevada engaged the state's cosmetology, physical therapy, contractors and nursing boards regularly in its core team's work. This partnership proved particularly beneficial in supporting legislative attempts to pass the Enhanced Nurse Licensure Compact and Physical Therapy Compact and simplify and modernize the licensing process for the contractor's board.

Other states added board members with the assistance of the project's second phase of funding. The 2018 Consortium Meeting in Clearwater, Fla., brought together newly invited state board members to existing state teams. A preconference half-day session and the facilitated state team sessions during the conference aided the incorporation of board members into the work of the consortium states.

Board Organization and State Supervision

States employ varying designs in the structure and level of autonomy provided for their licensing boards. At one end of the spectrum, boards can be largely autonomous and assume most of the functions necessary to implement licensure laws and maintain a state agency. At the other end, boards may exist only in an advisory capacity and the entirety of their functions may be assumed by the state's umbrella agency itself.

States commonly use a mix of these two polarities for their licensing boards with the understanding that there are benefits and trade-offs associated with how boards are organized. Where more autonomous boards may benefit from efficiency gains and greater professional expertise, centralized boards may enjoy lower administrative costs, higher levels of coordination and the liability protection that is associated with state oversight. However, the benefits and trade-offs of each structure are not necessarily exclusive and can vary based on the profession, specific design of the board and other considerations.

States have recently taken a renewed interest in ensuring that licensing boards are properly prepared against the prevailing criticisms of industry "protectionism" and antitrust liability concerns. In 2015, the United States Supreme Court decided in the landmark case, *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, that licensing boards could only claim immunity from federal antitrust actions if the board was subject to active supervision by the state. The Federal Trade Commission has also released subsequent guidance for states to further review potential liability for licensing boards and the preventive measures states may implement.

In response to these concerns, the partners hosted several technical assistance opportunities throughout the project regarding board liability, including a general session at the 2019 Consortium Meeting and a 2019 webinar on antitrust liability.

State teams have also been proactive in considering the organization of their licensing boards. Kentucky's project team established a goal in its action plan to "Reorganize all occupational licensing boards under the appropriate functional model to effectively and efficiently provide administrative support, enhanced communication between regulators and policymakers, and consistency of regulations and administrative procedures." The idea for this goal stemmed from both the North Carolina dental examiners case as well as a gubernatorial priority to establish efficient, coordinated and ethical regulatory structures.

The project goal resulted in a multi-year effort by the state team to assist in the legislative efforts to organize boards under the state's Department of Professional Licensing to establish active state supervision. Though the effort ultimately was unsuccessful in both the 2018 and 2019 legislative sessions, the state did reorganize its four real estate licensing boards under the Kentucky Real Estate Authority.

Board Engagement During Policy Reform Efforts

Board member education and involvement in the policy process was seen by consortium state teams as both a crucial step and challenge to building support for the proposed regulations. The team from Delaware said engaging the state's 34 boards and securing buy-in for policy efforts was a prominent challenge. Kentucky's state team reflected on the importance of engaging licensing boards early in the policy process to garner better input and participation. Early and frequent engagement can help foster support for legislative and/or rule changes and ensure that the proposed changes account for the specific needs and situations of professions and their licensing boards.

The Kentucky team hosted a training event in 2019 for the state's licensing board members on regulatory best practices and strategies to mitigate antitrust liability. The event, attended by over 100 board members, was a key opportunity to build better relationships and minimize any potential misunderstandings with boards, especially in relation to the state's reorganization efforts.

Arkansas' home team deployed a survey to every state licensing agency and board to assist its policy efforts. The survey included a self-assessment tool to account for the practices, processes and requirements that the agencies and boards employ for credentialing. The state team found the survey to be a valuable tool in its overall efforts, as boards were asked to suggest potential policy changes.

Maryland's state team pursued policy reforms at the board level in the hope of quicker results than the legislative process typically allows. Specifically, the established goal of the state team was to "educate boards on best practices for the least restrictive licensing processes." To accomplish this, state team members developed and implemented a board outreach strategy that included the presentation of reform ideas specific to their profession.

Licensure Portability

A priority of several consortium states, including Delaware, Indiana and Kentucky, was to enhance licensure portability, broadly defined as the ability of a licensed individual to align and transfer their qualifications to meet the licensing requirements of another state.

Where barriers to portability do exist, there can be significant financial costs to the licensed individual, such as those incurred by meeting additional exam or training requirements. Further, states have an interest in ensuring licensing standards do not unnecessarily conflict with interstate migration and broader workforce strategies that seek to address labor shortages.

States possess a number of policy options to improve licensure portability. These can range from individual state-by-state reciprocity agreements to formal interstate compacts. In instances where an individual's circumstances might warrant further assistance, states are employing measures such as expedited and temporary licensure to ensure workers are able to mitigate delays and more quickly acclimate to the state's workforce.

Each portability policy, however, is based on the understanding that workers who are otherwise qualified to practice in one state should have options that facilitate their mobility and reduce the time it takes to obtain licensure in another state.

Not all portability solutions stem from state policy and regulation. Certain occupations and professions have created their own portability structure, such as certified public accountants (CPAs). Many clients requiring CPA services transact business on an interstate basis, resulting in the need for those services to seamlessly extend across state lines. To ensure this seamlessness, the CPA profession successfully worked with state policymakers to adopt CPA mobility. Mobility is the ability of a CPA licensed in good standing from one state to practice in another state with similar licensing requirements without having to obtain an additional license in that state.

Licensure by Endorsement

A licensure by endorsement model allows states to consider the qualifications of an individual licensed in another jurisdiction in respect to their own requirements. At what level these qualifications are recognized can vary by state and the discretion of a licensing board or agency. For example, some states prescribe that the licensing qualifications of an individual applying for endorsement must be substantially “equal to or greater” than their state’s standards. Licensing requirements, including training and educational requirements, however, can vary widely from state to state.

Consequently, the transferability of a licensed individual’s qualifications can likewise vary when considered by quantitative or other specific standards. For example, states may consider and accept different exams that qualify an individual for licensure. To address these differences and improve the mobility of out-of-state workers, a state may use tools such as the project’s occupational licensing database to look at outliers in its licensing standards that may make this process particularly onerous. Should a state affirm that public health and safety will still be protected, reducing licensure requirements to better align with the averages of other states can improve the portability of licenses.

For example, in the cosmetology profession, eight states have recently reduced the required hours for initial licensure. This included the consortium state of Kentucky, which in 2017 reduced its training requirements from 1,800 hours to 1,500 hours, 50 hours fewer than the national average.

Other states, like Utah, have recently streamlined their licensure by endorsement process. Utah SB 23 (2020) directs the state’s Division of Occupational and Professional Licensing to grant licensure without examination to applicants who have at least one year of experience, with their license maintained in good standing, in another state. In addition, the division must determine that the scope of practice is similar to the license being sought in Utah. Previously, the licensure by endorsement model specified the division had to determine that requirements substantially equal to Utah’s were met by applicants in their home state.

Reciprocity Agreements

Reciprocity agreements between states serve as another way to formalize portability standards. Typically, these may be used by neighboring states where mobility between licensed workers is more likely to occur. However, states can formulate these agreements regardless of geography. A reciprocity agreement does not necessarily mean the licenses granted by the participating states are interchangeably recognized, like a driver’s license. Rather, it sets up a formal process and understanding between the states of how recognition is to occur. This can reduce the time it takes for licensed individuals to be granted authorization to work in a participating state. It is common for states to statutorily allow licensing boards to enter into these agreements at their discretion.

Expedited and Temporary Licensure

To reduce the time to it takes to be granted a license, most states have adopted some use of expedited and temporary licenses. Expedited licensing policies instruct the appropriate licensing entity to prioritize the processing of an out-of-state license holder’s application. Some state policies allow the board discretion on what constitutes an expedited process, while others have established a certain maximum threshold of days. States may also employ temporary licensure provisions, such as meeting additional licensing requirements, to grant individuals the authority to work under certain conditions.

These policy options may be used separately or in conjunction with each other. For example, some states specifically mandate an expedited process for those holding temporary licenses. These provisions are also typically afforded to certain population groups, such as military spouses, who face specific challenges to licensure mobility and reciprocity because of the frequency of their relocations.

Interstate Compacts

States and professions have increasingly turned to occupational licensure interstate compacts to mitigate challenges faced by workers as they navigate various state licensing requirements, rules, regulations and fee structures. Since January of 2017, 40 states have enacted 106 separate occupational licensure compact bills. In total, 42 states have enacted at least one occupational licensure compact and 28 states have enacted three occupational licensure compacts. These compacts create reciprocal professional licensing practices between states while still ensuring the quality and safety of services and safeguarding state sovereignty.

While other reciprocity mechanisms, such as bilateral agreements and universal recognition models, are also used by states to improve licensure mobility, interstate occupational licensure compacts are an attractive and trending policy option for states. This is because of their ability to establish formal, binding coordination among state licensing boards and require investigative information-sharing, which enhances public protection.

State Benefits of Interstate Compacts

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

It is important to note that interstate compacts leave the state licensure process in place, are not mandatory for licensees to participate and that state practice acts are not affected. The Nurse Licensure Compact, established in 1999, served as the first occupational licensing interstate compact and has since been adopted by 34 states under its revised iteration, the Enhanced Nurse Licensure Compact. Seven additional occupational licensing compacts have been formed in recent years, including for medical doctors, physical therapists, emergency management service personnel, advanced practice registered nurses, audiologists, language pathologists, occupational therapists and occupational therapy assistants, and psychologists.

As an example of the trending nature of interstate compacts, other professions are currently in various stages of developing their own compact, including dietitians, physician assistants, counselors and teachers.

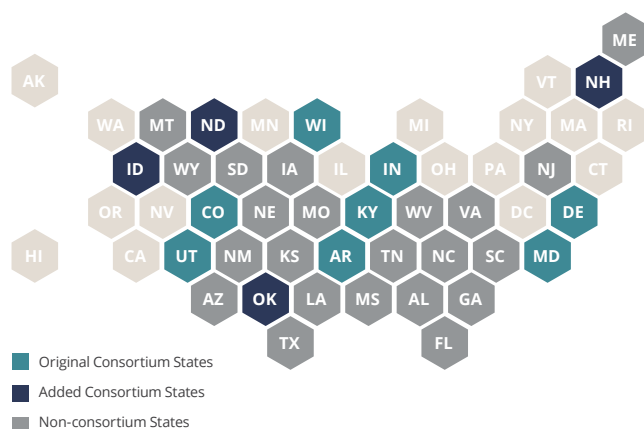
One of the primary goals of the project was to provide educational and policy support for the consortium states interested in prioritizing interstate compacts as a part of their state's licensing reform strategies. Interstate compacts, therefore, were commonly included as session topics during the project's various convenings, including individual state team meetings. The partners also authored written and web-based resources to aid the consortium states' understanding of the mechanics and differences between existing interstate compacts.

- Several consortium states, including Delaware, Indiana, Maryland, Nevada and Wisconsin, chose to specifically prioritize and receive project support on interstate compacts.
- Other consortium states, while not specifically adding interstate compacts to their action plan, were provided assistance on interstate compacts through project outputs and the subject-matter expertise of The Council of State Governments' National Center for Interstate Compacts.

Consortium States Compact Participation

Every consortium state* is a member of a least one occupational licensing interstate compact and, compared with non-consortium states on a proportional basis, have adopted more occupational licensing compacts:

Enhanced Nurse Licensure Compact (34 states)



Original Consortium States: 8

AR, CO, DE, IN, KY, MD, UT, WI

Added Consortium States: 4

ID, NH, ND, OK

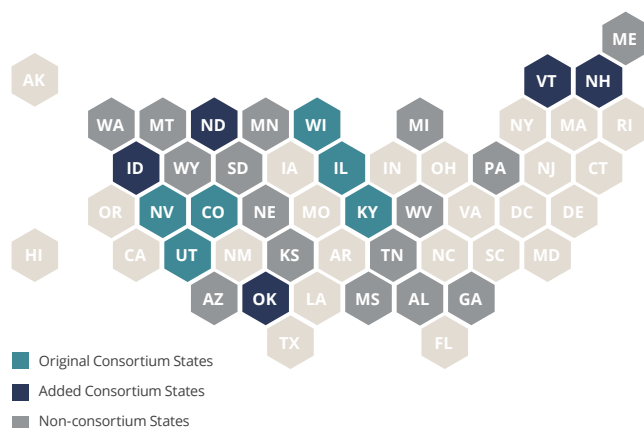
Non-consortium States: 22

AL, AZ, FL, GA, IA, KS, LA, ME, MS, MO, MT, NE, NJ, NM, NC, SC, SD, TN, TX, VA, WV, WY

Comparison:

- Original Consortium States (72%)
- All Consortium States (75%)
- Non-consortium States (62%)

Interstate Medical Licensure Compact (30 states)



Original Consortium States: 7

CO, IL, KY, MD, NV, UT, WI

Added Consortium States: 5

ID, NH, ND, OK, VT

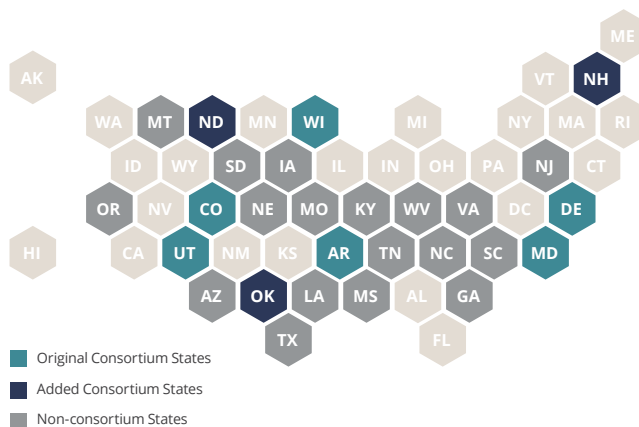
Non-consortium States: 17

AL, AZ, GA, IA, KS, ME, MI, MN, MS, MT, NE, PA, SD, TN, WA, WV, WY

Comparison:

- Original Consortium States (64%)
- All Consortium States (75%)
- Non-consortium States (52%)

Physical Therapy Compact (28 states)



Original Consortium States: 7

AR, CO, DE, KY, MD, UT, WI

Added Consortium States: 3

NH, ND, OK

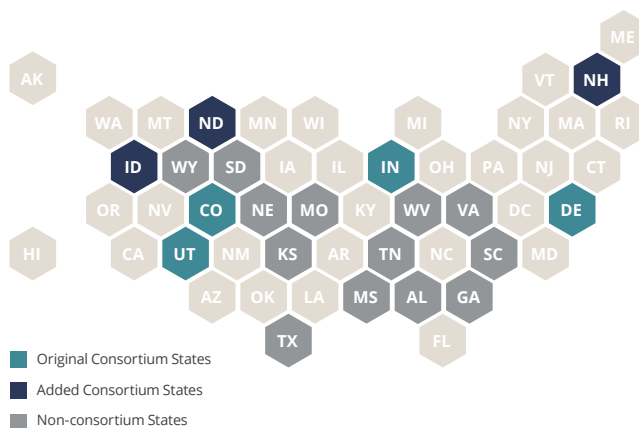
Non-consortium States: 18

AZ, GA, IA, LA, MS, MO, MT, NE, NJ, NC, OR, SC, SD, TN, TX, VA, WA, WV

Comparison:

- Original Consortium States (63%)
- All Consortium States (63%)
- Non-consortium States (53%)

EMS Compact (21 states)



Original Consortium States: 4

CO, DE, IN, UT

Added Consortium States: 3

ID, NH, ND

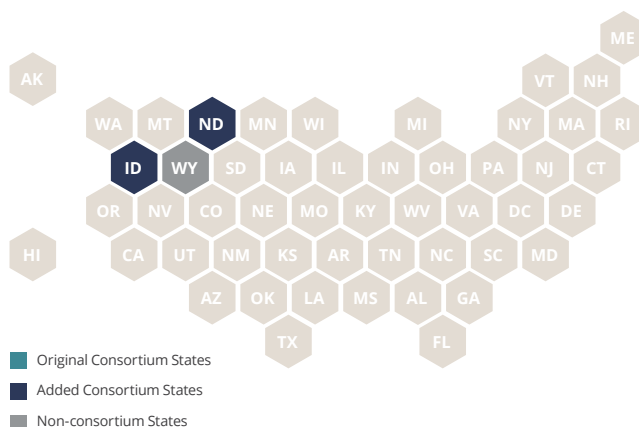
Non-consortium States: 13

AL, GA, KS, MS, MO, NE, SC, SD, TN, TX, VA, WV, WY

Comparison:

- Original Consortium States (36%)
- All Consortium States (43%)
- Non-consortium States (41%)

Advanced Practice Registered Nurse Compact (3 states)



Original Consortium States: 0

none

Added Consortium States: 2

ID, ND

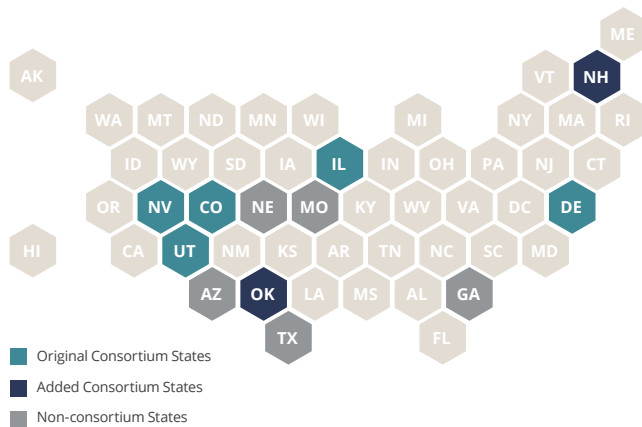
Non-consortium States: 1

WY

Comparison:

- Original Consortium States (0%)
- All Consortium States (13%)
- Non-consortium States (3%)

Psychology Interjurisdictional Compact (14 states)



Original Consortium States: 5

CO, DE, IL, NV, UT

Added Consortium States: 2

NH, OK

Non-consortium States: 5

AZ, GA, MO, NE, TX

Comparison:

- Original Consortium States (46%)
- All Consortium States (44%)
- Non-consortium States (24%)

Interstate compact adoption information current as of April 2, 2020.

** A second round of funding from the Department of Labor allowed additional states to join the project consortium in 2018. These states are included in this analysis as they have received technical assistance on interstate compacts by the partners.*

** Six states, including two consortium states (Oklahoma and Utah), adopted audiology and speech-language pathology in 2020.*

VI. Consortium Lessons Learned

Through the partners' and states' experience with the consortium project, we discuss a number of lessons learned in this section. We look at the lessons most states grappled with at one time or another, including some that ultimately led to success and others that continued to present challenges throughout the project. Project messaging, stakeholder engagement and managing potential perceptions of market control were challenges nearly all states ran up against in their consortium work and we cover the variety of approaches states pursued below. Changes in leadership only occurred in some states but were dramatic and produced some important lessons learned. We also report on lessons regarding the type of occupations, processes like sunrise and sunset, and population groups states worked on over the course of this project.

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“Having a third-party facilitator enabled us to do a lot more than we likely would have done on our own, even given our current structure. We were able to connect with states and leverage some of the work they had already done.”

– Ronne Hines, director, Division of Professions,
Colorado Department of Regulatory Agencies

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Messaging

Messaging was a challenging area for all the consortium states, requiring each state team to problem-solve the issue. Consortium states regularly had to consider both internal messaging to legislators, administrators and licensing boards, and external messaging to members of the public, private industry and professional associations.

Across the consortium states, regular themes around messaging emerged. These themes included using messaging to build stakeholder engagement, address or preempt fears of deregulation; educating legislators on licensure policy and regulation; and connecting licensure policy to larger workforce and labor issues.

As part of the resources offered to consortium states, the consortium held two separate educational workshops on messaging. The first session was included as a breakout session during the 2018 Consortium Meeting. A representative from R Street, a nonprofit, nonpartisan, public policy research organization, provided an interactive workshop that allowed team members to build a core theme for their messaging and then workshop their messaging strategies around that core theme. The second session occurred during the 2019 the panel of experts and leads from consortium states. Jonathan Rick, a messaging consultant, helped the states focus their core messaging into concise elevator pitches. Rick's workshop also helped state teams further focus their messaging around their core themes.

Messaging was consistently a challenge for consortium states. Building a consistent message was especially difficult due to the large variety of audiences and stakeholders with whom state teams needed to communicate. The state teams also were not allowed to have marketing campaigns or lobbying teams. Team members often had to have their messaging compete with a barrage of messaging from both internal and external sources. This could come from lobbying firms and professional organizations that opposed a piece of legislation and/or from boards and legislators. Each state team adopted a different strategy when messaging its work.

Effective Messaging Strategies



Changing the person delivering the message as much as changing the message itself.



Messaging around streamlining processes, protecting public health and safety.



Using research and data to support messaging also helped overcome obstacles and counter-messaging.



Having a messaging strategy that involved as many stakeholders as possible.



Messaging around aiding state workforce needs.



Referring to the work as reducing barriers, rather than “reform.”



Engaging stakeholders early—at the beginning of the process—and finding legislative champions to help educate and talk to other legislators.



Focusing messaging around a few core themes. This allowed for the adaption of messaging to a broader audience while keeping core ideas consistent.

Maryland

Maryland focused its efforts on four primary occupations: barbers, cosmetologists, HVACR (heating, ventilation, air conditioning, and refrigeration) and plumbing. The broad goal in focusing on these occupations was to reduce barriers to entry for workers and to make changes to the board member vetting process and training programs.

Resistance to changes from the licensing boards was the most consistent obstacle faced by the Maryland team. The team would regularly meet with and work to educate board members on its concerns, and to present individual boards with potential ways to reduce barriers to entry into the profession. Board members were also invited to present their ideas for reform. The messaging centered around the reduction of barriers but was received with mixed results. Some suggested proposals were adopted by the boards. More commonly, boards would respond with concerns of their own—specifically fears of reductions in public safety, increased labor market or provider competition, and a lack of recognition about issues that needed to be addressed.

Maryland’s team members faced obstacles in adapting their strategy when they came up against resistance to proposed reforms. They regularly tried to change the source of the message to help the message gain political footing. They tried to gain legislative involvement but consistently hit obstacles in gaining legislative support or a legislator to champion their priorities and policy recommendations. The Maryland team worked to achieve this goal by providing proactive education to legislators at committee meetings. After recommendations presented to the boards in 2019 were poorly received, the Maryland team again adapted the source of messaging with a letter to boards from the state’s secretary of labor. Since receiving this letter, which was written to address boards’ concerns while also promoting the priorities of the consortium team, the boards have demonstrated a slight increase in openness to discussion of potential changes.

Stakeholder Engagement, Institutionalism, Perceptions of Market Control

Stakeholder Engagement

Countless entities could be considered stakeholders in occupational licensing policy:

- Professional associations.
- Unions.
- Licensed individuals.
- Individuals hoping to become licensed.
- Business owners.
- Lawmakers.
- Consumers.
- Regulators.
- Government appointees and special populations that are disproportionately affected by overly burdensome licensure.

Engagement with necessary stakeholders was crucial for consortium states in enacting their desired reforms. Engagement can take many forms, including:

- Focus groups.
- Committee testimony.
- The creation of working groups.
- Surveys.
- Town halls.
- In-state meetings.
- Educating legislators both individually and in larger workshops.
- Publishing reports.
- Webinars.
- Other ways.

How the state teams worked with their stakeholders was as varied as the types of stakeholders themselves. Some stakeholders helped advise and shape potential reforms, while others:

- Sponsored legislation.
- Wrote rules.
- Testified before legislative committees.
- Answered or administered surveys.
- Talked with legislators.
- Educated policymakers and regulators.
- Provided feedback about potential strategy, reforms and messaging.

Occupational licensing reform efforts in consortium states have not been without opposition, but states that have meaningfully involved the associations and practitioners in the process have experienced greater success. A broader, more diverse set of stakeholders leads to a stronger buy-in to the process and achieves greater results.

Institutionalization of Approaches

Over the three years of work under the consortium project, the partners saw several ways that states have institutionalized their efforts to review and update their occupational licensing requirements. Broadly, these approaches fall into one of two camps: formalized approaches, which consist of newly founded committees, processes and other entities in state government bound by statute, and informal approaches, which consist of strengthened ties between government offices, venues for stakeholder input and other strategies not codified in state government.

Formalized Approaches

Through the creation of a sunrise or sunset review process, a new legislative committee or new board practices, consortium states have created formalized processes to review and evaluate their occupational licensing policies and practices.

Sunrise and sunset reviews are standardized processes by which the executive branch, legislative branch or both have a chance to review occupational licensing rules and regulations. To read more about these processes, see the Sunrise and Sunset in the States section on page 62. New legislative committees are legislative bodies responsible for reviewing and evaluating occupational licensing regulation. They are also responsible for evaluating new legislation for occupational licensure. Finally, formalized board trainings and other board-related processes are a way regulatory entities can help shape the conversation around occupational licensing in their state.

Informal Approaches

Consortium states have also employed informal approaches to thoroughly ingrain and institutionalize their occupational licensing work. Many states pulled together stakeholder committees to solicit feedback and to drive their work around given populations or professions. Other states worked to institutionalize their licensing changes by fostering relationships, some existing and some new, between different state agencies and regulatory bodies. Finally, some state governor's offices helped institutionalize their commitment to occupational changes by being involved in the process, communicating with the core and home teams, and taking executive actions consistent with the goals of the state's consortium team.

When it comes to institutionalizing licensing changes, one of the most successful approaches consortium states implemented was to build and use stakeholder work groups. Often informal, these stakeholder committees typically consisted of a diverse group of members representing a variety of interests, including:

- Local nonprofits that work with individuals with criminal records.
- Nonprofits that work with veterans.
- Nonprofits that work with immigrants.
- Local business owners.
- Church groups and faith leaders.
- Refugee resettlement groups.
- Members of local government.
- Members of state government.
- Professional association representatives.

Many entities have influence over licensing policies and processes in most states, but sometimes there is a lack of communication between the players involved. Another informal approach that assisted with institutionalizing licensing efforts in consortium states was an emphasis on cross-agency communication and collaboration. A great example of this comes from Delaware, where the state's Department of Labor and Department of Corrections shared very similar goals in getting more individuals with criminal records back to work in the state. It was through the resources and technical assistance provided by the partners that the two agencies were able to come together and formulate a strategy in which both played a role in reducing licensing barriers for individuals with criminal records in the state. Another example of the

increased communication between licensing entities comes from Arkansas. Through the technical assistance and resources provided by the partners, the home team was able to bring together board members from more than 20 different licensing boards to discuss common challenges and participate actively in the state's occupational regulation conversation. Ultimately, Arkansas' core team constructed a significant report of recommendations on how to improve occupational regulation in the state based on the feedback and data from the home team of more than 20 members.

Avoiding Perceptions of Market Control

A major focus for the consortium states was ensuring that their occupational licensing boards were operating in the interest of public safety and without the perception of market control. As the collaborative occupational licensure project progressed and grew, compliance with the recent Supreme Court decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* and a renewed examination of state licensing requirements became centerpieces of the work with the consortium states.

While reasonable measures protecting public health and safety through the licensure process are within the purview of occupational licensing boards, these same boards must be careful not to take action that might be viewed as anti-competitive or unfair competition.

What happened in the case of the North Carolina State Board of Dental Examiners?

State legislation required that six of the eight members of the board be licensed, practicing dentists. Tasked with regulating the practice of dentistry on behalf of the state, the board issued a series of cease-and-desist orders to unlicensed individuals offering tooth-whitening services and to manufacturers of teeth-whitening products.

The board had long operated under the Parker immunity doctrine, which held that "actions by state governments acting in their sovereignty did not violate antitrust law." Board members believed their actions were protected from the antitrust complaints filed by the Federal Trade Commission. The Supreme Court disagreed, and established new precedent dictating that state occupational licensing boards comprised of active participants in the market they regulate enjoy immunity from antitrust law only when they are actively supervised by the state.

This new precedent and the heightened scrutiny that accompanies it makes this more important than ever. In response to the case—known colloquially as "NC Dental"—states are taking action. Idaho Attorney General Lawrence Wasden, in response to a legislative request for guidance, determined that in order to comply with NC Dental, Idaho must identify which boards are "'controlled' by 'participants' of the market the specific entity regulates," and, for such boards, provide "substantive, independent state oversight of the entities' regulatory actions."

In Delaware, Governor Jack Markell issued an executive order that established the Delaware Professional Licensing Review Committee. The order directs the committee to provide state oversight to Delaware licensing boards; conduct an analysis of "the composition, state oversight and licensing requirements" of each commission, board and agency; and deliver a report that recommends action to remove unnecessary burdens and "alleviate the risk of antitrust liability identified" by NC Dental.

In 2017, Mississippi passed the Occupational Board Compliance Act to help boards and their members "avoid liability under federal antitrust laws." It sets board policy of using the least restrictive regulation available and in accordance with public safety and provides a range of regulatory options from market competition (least restrictive) to occupational license (most restrictive).

These state actions are examples of a nationwide movement to avoid anti-competitive action and remove unnecessary barriers to entering the workforce. As states navigate a changing regulatory environment, state leaders continue to provide innovative solutions that balance public safety with the promotion of a robust, competitive economy.

State Examples

Nevada

The Nevada State Board of Nursing (NSBN) in 2017 supported legislation to join the Enhanced Nurse Licensure Compact (ENLC). Despite receiving support from AARP, the Nevada Nurses Association, Sunrise Hospital and Medical Center, and others, the bill did not pass out of committee. The bill was opposed by the service employee's international union, the Working Families Party, and Clark County Education Association. The NSBN did not have a broad enough base of support from enough stakeholders to help get its bill through committee. In 2019, the NSBN decided to adapt its strategy. The Nevada team sent out a survey to nurses working in Nevada. The survey found that of the 43,000 nurses surveyed, 90% supported joining the compact. With the help of consultant Michael Hillerby, the Nevada team began meeting with legislators. The meetings had a variety of purposes: to educate legislators on the compact, identify possible sponsors for the bill, gauge concerns and assess possible strategies for getting the bill passed.

After meeting with legislators, the Nevada team uncovered common themes of concern among lawmakers. They centered around skepticism toward telehealth, compact disciplinary actions, and labor unions' apprehension about flooding the labor market and making it easier to hire strikebreakers during union strikes. The meetings with legislators, coupled with a change in governor and inability to find a bill sponsor, led the Nevada team to decide not to introduce the bill again in 2019.

The team is instead planning to introduce the legislation during the next legislative year, which begins in 2021, using the time between now and then to implement a new detailed strategy of engaging stakeholders at the grassroots level. Team members plan to focus on networking and educating as many stakeholders as possible before their next attempt. Learning from its first attempt in 2017, the team is working to hear stakeholder concerns and educate legislators well before introducing the legislation. By engaging with stakeholders in a more robust way, the team is hoping the combined support of legislators, NSBN and nursing stakeholder groups will help make the legislation more successful.

Colorado

The Colorado team was able to engage many external stakeholders early in its process. However, the team faced difficulty in building engagement from legislators.

Part of the Colorado team's strategy for stakeholder engagement was forming three working groups. Each group focused on one of the three populations the Colorado team was hoping to address in its reform efforts: the Veterans Occupational Credentialing and Licensing committee (VOCAL) focused on veterans and military families, the Immigrant Gap Analysis committee focused on immigrants, and the Collateral Consequences committee focused on people with criminal records. Over the course of Colorado's participation in the consortium, the committees held multiple focus groups with industry members and town halls with state legislators and the public. Those helped the committees draft potential new rules, policies, laws and reports related to occupational licensing in Colorado. The committees also hosted webinars and meetings to help educate board members, legislators and industry stakeholders on their proposed changes.

This effort to engage stakeholders from the beginning helped the Colorado team successfully get legislation passed that streamlined part of the application process for cosmetology licensure based on experience gained overseas. This process also helped aid the promulgation of many new rules, creation of draft policies for people with criminal records, and the translation of 12 licensing applications into Spanish. It also led to the research and publication of a guide for immigrants on the licensure process, and the creation of numerous rules to streamline the application process for veterans.

The Colorado team, however, encountered difficulty engaging state lawmakers in its larger goals. The team invited lawmakers to workshops, meetings and conferences on the subject. However, they often struggled to build bipartisan legislative support or find lawmakers to champion their cause. This lack of engagement from lawmakers created an obstacle for the reforms beyond the promulgation of rules or the publishing of board policies and recommended best practices.

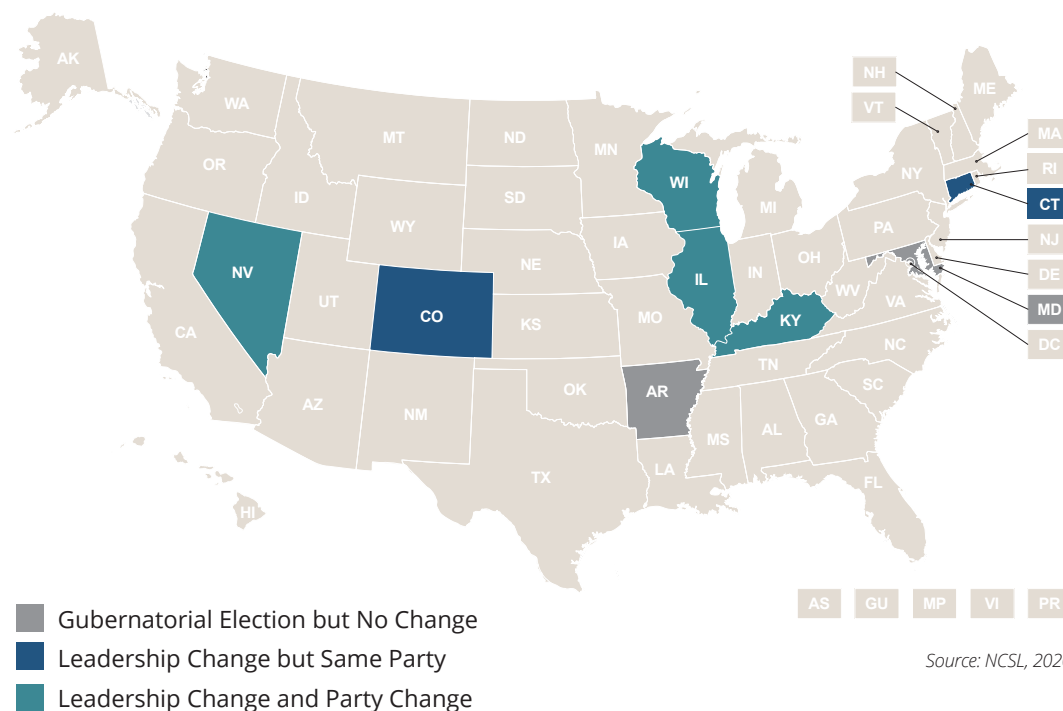
Stakeholder Engagement Lessons learned

Both the case studies from Nevada and Colorado demonstrate the value of engaging stakeholders early in the process. They also demonstrate the importance of building legislative relationships through continual education and networking with state lawmakers. Through regular meetings, workshops, educational events, town halls and listening sessions, key stakeholders can be meaningfully involved in the process. This allows for a broader base of support for various proposed changes and reforms.

Changes in Leadership

Many players involved in state government have critical roles in occupational licensing reform, including governors and state legislators. It is important for leadership at the state level to prioritize occupational licensing for reform to happen, but it is also a challenge to implement reform when there is a change in leadership.

States with Gubernatorial Elections and Changes in Leadership, 2018-2019



Governors can play a leadership role in occupational licensing reform by issuing executive orders to direct agency action on licensing reforms, providing support and leadership to get legislation passed, and appointing representatives to serve on a licensing board. They can also serve as a public champion for occupational licensing review and reform by giving speeches or supporting efforts from legislators, interest groups and the general public. One best practice learned from the consortium was to have a consistent representative from the governor's office on the core team. For example, the director of Nevada's Governor's Office of Workforce Innovation's (OWINN) was a member of the core team. OWINN's goal is to drive a skilled workforce in the state by encouraging collaboration across entities. When Nevada had a gubernatorial party change in 2018, a new OWINN director was appointed. But by ensuring the core team continued to have representation from OWINN, the new director was able to help the team bridge the administration change and keep the work progressing.

State legislators play an important leadership role by introducing, endorsing and passing legislation on occupational licensing. One best practice for navigating legislative turnover is to remain focused on stakeholder engagement. While the state leaders may face turnover, external stakeholders often bridge changes. These external stakeholders may include licensing boards, colleges, lobbyists, other state agencies, nonprofit agencies and citizens. For example, Colorado focused on reaching out to immigrants, nonprofits and other stakeholders to inform and advance its work on reducing burdens for skilled immigrants. Colorado's core team found that engaging various stakeholders helped inform and advance policy when legislators were busy in session or facing internal changes. As a result of these strategies, Colorado's Department of Regulatory Agencies proposed a bill that would allow Deferred Action for Childhood Arrivals (DACA) recipients to receive occupational licenses.

The consortium partners also assisted in minimizing the effects of leadership turnover during the duration of the project. As third-party facilitators, the partners were able to make introductions, provide context and resources, and send reminders about planned events to new staff. For example, in Illinois, the Department of Financial and Professional Regulation was originally leading the work but due to a change in administration, it moved under the governor's office. The consortium partners were able to work with all parties and help bridge the handoff and information gaps.

Sunrise and Sunset

Sunrise and sunset measures were of immediate interest among consortium states. Sunrise reviews, which occur before legislation is enacted, and sunset reviews, which occur once legislation has been passed and implemented, can be powerful tools for policymakers to evaluate occupational licensing measures for continued relevancy. Both processes examine the existing or proposed costs and benefits of licensure, compare regulation with other states and provide policymakers with a data-driven analysis to assist them in decision-making. A handful of states are well-known for using these processes for a variety of purposes to audit state government agencies, programs and regulations. Some consortium states began the action-planning process hoping they may be able to emulate the lessons learned from other states.

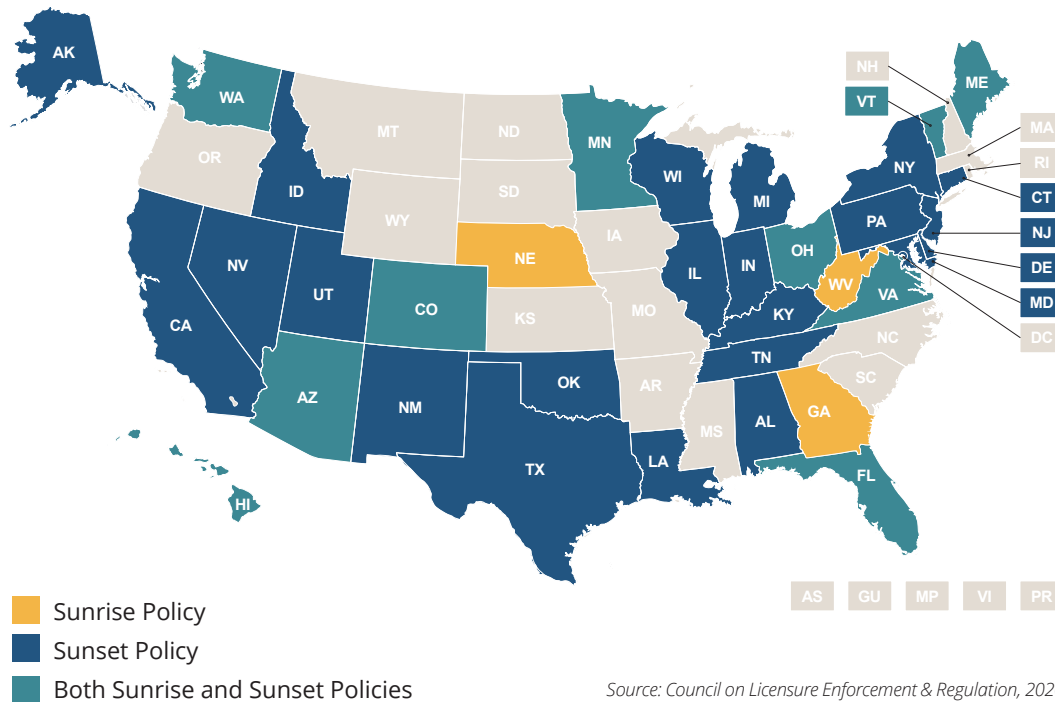
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“The major licensing reform laws states are considering include ‘sunrise’ and ‘sunset’ provisions,” Hultin said, “which either establish a cost-benefit test to be conducted before a new license can be enacted, or require review of all existing licenses to examine the costs and benefits.”

— Idaho Press, August 28, 2019

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States Sunrise and Sunset Policies



As the project progressed, consortium states' appetite for access to information about these processes and related technical assistance grew. At the 2018 Consortium Meeting in Clearwater, Fla., the partners held a session on sunrise and sunset reviews with experts from Colorado, Texas and Vermont explaining how the reviews work in their states. Of the consortium member states, Arkansas, Illinois, Indiana and Wisconsin all received specialized technical assistance from the partners on this topic. Of these states, Arkansas is the only one so far to have successfully built a formal process into its regulatory structure. In 2020, Wisconsin pursued adopting a sunrise process via legislation with the partners providing testimony. However, it did not ultimately pass. It is worth noting that Idaho, a state that joined the consortium in 2018 but was not part of the original cohort, also successfully formalized its use of these processes as a result of its work with the partners.

For these four states, there are a few lessons learned on which to report. Tracking down as much information as possible on these processes, including examples of how they do or do not work in other states, was a critical first step. In Indiana's exploration of sunrise and sunset processes, the team held programming at its 2019 Health Workforce Summit (in-state meeting). After being introduced to the topic in an earlier session entitled, "Why we regulate," participants took a deep dive into both processes—hearing from an expert from Colorado on sunset and an expert from Vermont on sunrise. Participants were most interested in learning more about how each state was making the process work for them, asking the speakers specific questions about implementation, process, structure and stakeholder buy-in.

Once the information was made available, securing significant buy-in from multiple stakeholders in government was necessary for states to successfully adopt one—or both—of these processes. Identifying strong champions who believe in the promise of the processes and would be willing to take the message to their peers was equally critical. Strong legislative and executive advocates were necessary, as well as a strong proponent from the state's regulatory community willing to discuss the details and recruit colleagues on behalf of process implementation. Arkansas was able to coalition-build effectively, a strategy that ultimately led to the successful adoption of both sunrise and sunset legislative review. According to AIR's case study of Arkansas' work in the consortium, the Red Tape Reduction Working Group (RTRWG) and the Occupational Licensing Advisory Group (OLAG) were key coalitions of important stakeholders working in parallel with one another. OLAG was a 25-member group representing various regulatory boards and departments in the

state. It was tasked with researching the state's licensing requirements and collecting data on all licensing entities to create a thorough picture of licensing regulations in the state. OLAG's data then helped to inform the RTRWG, which was a governor-appointed stakeholder group tasked with making policy and research recommendations to the legislature.

Early and frequent collaboration among these stakeholders resulted in a common vision and mission that were crucial to OLAG's success. Sunrise and sunset are both complex regulatory review processes with many factors to consider.

Some of the questions policymakers can consider while working to form the right process for their state include:

- Where should the process be housed?
- Whose staff should ultimately be responsible for its execution?
- How often should the process occur?
- What information must be included in the review and what are the review standards?
- Which branch of government should the process originate in?
- How and which stakeholders should be included in the process?
- Who has the final say?
- How much will it cost and how is it funded?
- What is the timeline for completion?

With so many factors to consider, strong advocates who have a united vision are necessary for successful implementation. Arkansas OLAG and RTRWG worked together to generate a report of recommendations in the fall of 2018. The list of recommendations included that the legislature should consider “establishing systematic processes of sunrise review for creation of new licensing entities and sunset review of existing licensing entities.”

Arkansas was able to secure strong buy-in from the majority of its legislators and the governor's office, and was able to get many of the occupational licensing boards in the state to agree to adopt the processes. By contrast, the Illinois team was only able to secure buy-in for its proposal to adopt a sunrise process from its Department of Financial and Professional Regulation and one party in the state legislature. Ultimately, its proposals failed in the legislature in 2018 and 2019 due to a lack of cross-ranch collaboration and bipartisan stakeholder involvement.

Types of Occupations Considered

Some state occupational licensing reforms are implemented through broad policy actions. But obstacles such as political challenges, concerns for expediency, industry-specific factors, state workforce strategies and differences in regulatory structures can require states to develop more tailored approaches for licensure reform.

Many consortium state action plans targeted policy changes to where they may be the most effective, and therefore occupation-specific policy reforms were a common consideration. Of these, state teams commonly cited interest in addressing disproportionately affected populations in the occupations, state workforce shortages and the regulatory structure of the boards. Some teams also considered these factors in tandem. For example, Maryland targeted the in-demand occupations of cosmetology, HVAC and plumbing for board-initiated reforms that involved improving accessible pathways to licensure. Regardless of the structure, a lesson from the consortium's work is that states can spur policy momentum and sometimes be more successful when taking tailored and specific approaches.

State Comparisons

It is common for states to consider how their licensing requirements in specific industries compare with other states when considering reform strategies. The resulting data can establish how closely a state aligns with national averages and reveal outliers in licensing fees, training requirements or other barriers specific to an occupation. To address this information need, the partners created the Occupational Licensure Database to compare licensing requirements in high-employment, high-growth occupations that have lower educational attainment barriers to entry. The database is currently comprised of 48 occupations, including electricians, massage therapists, cosmetologists, plumbers and dental hygienists. This selection also served as the suggested occupations for the consortium states to consider during the development of their action plans.

The database continues to assist state efforts in comparing how similar or dissimilar their licensing structures and requirements are regionally and nationwide. In addition to more capably targeting their overly burdensome regulations, states can improve their understanding of how well their licensing requirements align for reciprocity, including through bilateral reciprocity agreements, interstate compacts and the effect that “equal to or greater than” clauses can have on licensure mobility.

For example, information in the database about cosmetology shows that the training hour requirements vary from 1,000 to 2,100 hours, 33 states do not require continuing education and licensure fees range from \$18 to \$263. The significant variabilities in these database metrics represent a sample of the licensing requirements that could be investigated further by a state. Examined on a regional level, states can see how overly burdensome requirements may particularly put them at a disadvantage when trying to attract workers for certain occupations.

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If the legislature’s action stands and plumber’s licenses are no longer needed, Texas would join the four other most populous states in the country—California, Florida, New York and Pennsylvania—in relying on local codes rather than a state plumbing license law, according to an occupational licensing database kept by the National Conference of State Legislatures.

– Texas Monitor, June 6, 2019

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Workforce Strategy Alignment

When state occupational reform efforts are combined with broader workforce strategies, states can prioritize actions that address licensing barriers or overly burdensome regulations that inequitably affect certain occupations. For example, the Nevada state team targeted licensure reform for occupations that were included in the Governor’s Office of Workforce Innovation report of in-demand occupations, as well as the project partners’ list of targeted occupations (see page F1). These included HVAC contractors, plumbers/pipefitters/steamfitters, nurses and nursing assistants. In particular, the state team noted the projected shortages of licensed practical nurses and the need for further analysis. This priority was shared by the Indiana state team, which also recognized a shortage of nurses and other health care occupations in the state. This focus in particular helped support the state’s effort to join the Enhanced Nurse Licensure Compact during the course of the project.

Regulatory Structures

States may consider how either their regulatory structures can present challenges or facilitate their ability to implement policy reforms. For example, licensing boards are organized with varying levels of autonomy from a state supervising entity. For the occupational boards located in more centralized structures within state departments, there may be an opportunity to advance reforms based on the close organizational

relationships and designations of authority. For example, Maryland’s project team took this approach with its targeted occupations, knowing that the associated boards were organized in its Department of Labor, Licensing and Regulation. Even though the boards were ultimately the decision-makers regarding the reform strategies presented by the state team, the regulatory structure facilitated the interactions and helped secure buy-in for some of the measures.

Regulations to Address Targeted Populations

A strategy employed by states to mitigate the disproportionate effects licensing regulations can have on certain population groups is to target certain occupations. For example, some states focused on occupations that more commonly matched the career choices for immigrant populations. The Colorado state team, for instance, found that barbering and cosmetology had one of the largest numbers of foreign applicants among its licensing programs. The state team therefore prioritized finding ways to streamline regulations that could address the situations specific to that population group, such as language barriers and the need to recognize experience gained outside the United States.

Levels of Regulation

States can also consider whether the form of credentialing assigned to an occupation best meets its related public health and safety risks. For example, the Utah Legislature passed HB 290 (2020) to lower regulations for hunting guides and outfitters. Specifically, it was determined that there was a more relevant need to identify who these practitioners are, rather than require standards more familiar to licensure. HB 290 therefore required each practitioner to file personal identifying information with the state. This information in turn is useful where investigations into adverse practices may be warranted.

Population Specific Work

State	Military Families and Veterans	Dislocated and Low-income Workers	Individuals with Criminal Records	Immigrants
Arkansas	✓	✓	✓	✓
Colorado	✓		✓	✓
Conneticut*	✓	✓	✓	✓
Delaware	✓		✓	
Illinois	✓		✓	
Indiana	✓		✓	
Kentucky	✓			
Maryland*	✓	✓	✓	✓
Nevada	✓		✓	
Utah	✓		✓	✓
Wisconsin	✓	✓	✓	✓

* Did not frame its work in terms of population, but took action that ultimately addressed each of the four population groups

As mentioned in the previous Partner Resources: Population Report section of this report, using the population-specific lens to examine occupational licensing policy helped focus this project for consortium states when they were beginning to formulate an action plan. Particularly during the first year of the project, the partners often framed meeting sessions, publications and specialized technical assistance in terms of a population group. While there were several key lessons learned from each of the unique populations, overall, it was determined that a best practice for one population group can often also be a successful approach for another.

Some of the populations ultimately received more attention than others. Veterans and military spouses were the most popular of the four populations among consortium states for the duration of the project. Several states began their work looking at what licensing-related changes they could make that would benefit veterans and military spouses specifically. Individuals with criminal records can be considered a close second, particularly in the second and third years of the project. Immigrants with work authorization were popular among about half the states that had larger immigrant populations while the long-term unemployed and dislocated workers received the least attention among consortium states.

It's also important to acknowledge that some states chose not to structure their work around a specific population. These states often still made changes that ultimately were beneficial for one or more population groups, but they were not framing their action plan in terms of a specific population.

Veterans and Military Spouses

Out of each of the four target populations, veterans and military spouses are perhaps the easiest for states to rally behind. Many of the states in the consortium began their work securing buy-in from policymakers, governor's office staff and regulators on policies related to veterans and military spouses as a way to introduce licensing reform as a tool to benefit this population. The experiences of consortium states show that for military families, policies addressing uneven licensure requirements across states and the related lack of licensure mobility are best practices. Meanwhile, for veterans, policies ensuring that military experience and education can be considered when applying for licensure is a clear best practice.

Military Spouses

For many states approaching licensing reform for military spouses, improving mobility and getting this population to work as soon as possible were typically the focus. For some states this meant granting a military spouse a license through an expedited process, with a board issuing a permanent license without further examination for applicants who already held a valid license in good standing in another state. Kentucky HB 323 from 2019 exemplifies this type of approach by requiring licensing authorities in the state to issue a license to military spouses within 30 days of submission of an application, provided certain criteria are met. This legislation builds off Kentucky HB 319 from 2018, which required the same 30-day application processing guarantee but for active duty military members and their families. Both pieces of legislation stem directly from Kentucky's participation in the consortium and were identified by the state team and fleshed out as policies during the 2017 and 2018 Multi-State Learning Consortium meetings. The Kentucky team was particularly interested in what it could do to improve the licensing process for military spouses in the state and, during the 2018 Multi-State Consortium Meeting, was able to construct HB 323 through facilitation by the partners.



2018 CONSORTIUM MEETING

Some states grant temporary licenses to military spouses while they are applying for a regular license in their new state. This could be 90 days or longer, depending on the state. Others decide to recognize licenses from other states for military spouses, allowing them to practice in the state immediately, without going through the licensure process, provided certain criteria are met. Utah arguably started this trend in 2018 with SB 227, which allows military spouses who move to the state to practice immediately, providing their home-state license is current, in good standing and they pay any applicable fees. Similar to Kentucky, with the assistance of the partners' facilitation during state team time, the Utah team identified military spouses as a population it wanted to assist by pursuing policy change. Over the duration of the 2018 Multi-State Consortium Meeting, the team focused on action planning for this population group, ultimately forming the SB 277 (2018) legislation.

Veterans and Service Members

States interested in improving their licensing processes and policies to benefit veterans often must figure out how to translate military education and experience to state-specific licensure requirements. Colorado, for example, passed legislation (prior to the consortium's formation in 2016) requiring the state's Department of Regulatory Agencies to review all the occupations it regulates for potential ways in which military experience could be translated into state-required experience for an associated license. The state expanded its efforts by working with the consortium and with the partners' support, developed an advisory group of local stakeholders within the military and veteran's community to provide input and expertise. This led to the team tasked with comparing and matching each licensed occupation in the state for military equivalence being able to crowdsource information from experts close to each branch of the military as well as those who work with veterans.

Another example of a similar approach comes from Delaware, where the legislature passed [HB 112](#) in 2018 allowing licensing boards to recognize military education, training and experience when reviewing credentials and issuing licenses. During its partner-facilitated state team time at the consortium meeting in 2017, the Delaware team identified the need for licensing boards to be able to compare and match military experience for applicants. Through the action planning process, the Delaware team developed a strategy for formalizing this recognition and the legislation was ultimately passed in the subsequent legislative session.

Challenges

The key challenge consortium state teams faced in considering and crafting solutions for military spouses and veterans was the sheer amount of information and the vast number of different stakeholders that needed to be included. Different policies and procedures cutting across branches of the military and across bases in the same state can make it difficult for policymakers. They have to gather and digest all the information to figure out how to translate military experiences into state licenses or understand how to make the process easier for military spouses. State teams were able to address this by developing strong ties with local military bases and organizations working with veterans and military spouses. For example, the Delaware team solicited input from representatives of Dover Air Force Base to craft its 2018 legislation and Kentucky worked closely with representatives from Fort Knox in developing its 2018 and 2019 legislation. In cultivating a wide net of stakeholders in this community, the Colorado team worked with representatives from military installations in the state, as well as with numerous local nonprofits working with military veterans and their families. These connections directly to the military and the people whose lives are most directly impacted by service benefitted consortium states through increased communication and information sharing.

Individuals with Criminal Records

Individuals with criminal records tend to face a number of collateral consequences, which is why there was considerable energy among consortium states to explore licensing solutions for this population. While occupational licensing can create hurdles for certain workers, individuals with criminal records can face additional challenges finding and maintaining employment—a critical aspect of reducing recidivism. Consortium states addressed blanket bans, good moral character clauses and the overall cost of licensure to help improve

employment outcomes for workers with criminal records. The need for cross-branch collaboration in state government and for ties to and buy-in from the corrections community are two key lessons from consortium states' work with this population. Although consortium states have been able to make some significant progress on addressing licensing barriers for this population, it is too soon to tell the extent to which their efforts have been successful in reducing recidivism and improving employment outcomes.

Cross-Branch Collaboration

Blanket bans are one common policy barrier for individuals with criminal records that consortium states worked on. Blanket bans broadly prevent anyone with a criminal record from getting a license, particularly those with felony criminal convictions. Illinois approached this issue by passing HB 2670 in 2019. The legislation goes beyond simply removing blanket ban language and requires that mitigating factors associated with an offense may not be a bar to licensure, but instead should provide guidance in considering the applicant for licensure. Illinois' key to success on this issue was the collaboration that occurred between energized champions for the measure both from the legislature and the state's Department of Financial and Professional Regulation. Particularly for a state team that faced challenges with some of its other desired reforms, the partnership that developed between the legislature and the state regulatory agency on this issue was crucial to the passage of HB 19-2670.

Related to the removal or modification of so-called blanket bans in statute, consortium states have also been interested in the practice of pre-qualification to assist this population. Pre-qualification is when a licensing board lists the specific convictions that will disqualify an applicant from being eligible for a license in a given occupation. Or, in some states, pre-qualification allows prospective applicants to petition the board for a review of eligibility based on their criminal record before pursuing the formal application process. Among consortium states, those able to secure buy-in from regulators on pre-qualification standards were able to adopt them.

Nevada passed AB 319 on this topic in 2019, authorizing those with a criminal background to seek pre-determination on whether or not a past conviction would disqualify them from licensure. Nevada has a decentralized, board-dominated regulatory structure in place. The lack of connection and communication among regulatory boards is often cited as one potential drawback of these decentralized regulatory systems. The Nevada consortium team was able to overcome this challenge by bringing numerous licensing boards in the state together for regular check-in calls to discuss the reform ideas the team had identified. By bringing the State Board of Nursing, the Contractors Board, the Board of Cosmetology, the Physical Therapy Board and others to the table, the team was able to include these different board voices in the conversation and harness their expertise to craft the pre-qualification legislation.

Connections to Corrections Community

Among all consortium states, the Delaware team perhaps had the most success forging a close relationship with its corrections community. From the outset, given the expertise of some of its core team members, criminal justice and licensing issues were a priority for the team. The Delaware team identified reducing or removing unnecessarily burdensome licensing requirements for justice-involved individuals as a key goal of its action plan from the first consortium meeting in 2017. One of the team's main accomplishments was the passage of legislation reducing the amount of time an individual with a felony conviction would have to wait to be eligible for licensure. Beginning with HB 97 from 2018, the state Board of Cosmetology and Barbering was allowed to grant waivers for applicants with felony convictions who previously would have had to wait two to three years to become eligible for a license after a conviction. With support from the partners, Delaware was able to host in-state meetings and invite members from the Department of Corrections, Department of Safety, Department of Health and Human Services and others. The team was then able to present the action plan and solicit expertise and feedback.

Bringing these partners to the table and passing HB 97 set off a chain of events, allowing for further reduction of licensing barriers for this population. In late 2018, after the passage of HB 97, Delaware Governor John Carney signed an executive order creating the Delaware Correction Reentry Commission and tasking it with overseeing the implementation and creation of efficient and effective reentry initiatives. The state's

Correctional Reentry Commission worked in partnership with the core team from the consortium to continue to advance the team's action plan. Some members of the commission also served on the core team to ensure collaboration between groups. Subsequent legislation was introduced in 2019, providing the boards overseeing licensing for plumbers, HVACR operators and electricians with the same authority to grant waivers to applicants with felony convictions. This legislation, HB 124 from 2019, ran against some opposition, but with the connections the Delaware team had made in the corrections and regulatory communities, it ultimately passed.

Challenges

A key challenge to working on licensing issues that directly impact individuals with criminal records is the employability of these individuals once they receive a license. States can pursue a variety of approaches to make it easier for those with criminal records to secure a license. Once that license is obtained, however, many consortium states, including Colorado, Delaware, Maryland and Nevada, reported that the challenge continues in that there is no guarantee a licensee will find employment. Unfortunately, even with the reduction of statutory and regulatory barriers, individual employers may still be hesitant to hire someone with a criminal record. Some licensed occupations, particularly those related to the trades, such as electricians or plumbers, require entering homes, schools, health care facilities and other places. This may make anyone with a criminal record working in these jobs controversial for some employers. This concern was outside of the scope of the project, but the partners recognize it as an important issue and a potential area for continued improvement in breaking down barriers to work for individuals with criminal records.

Immigrants with Work Authorization

Immigrants with work authorization received a good deal of attention, but only from a handful of consortium states. There are a variety of explanations for this, including the size of the foreign-born population in a state and the political will of policymakers to take on licensing issues impacting them. While there are some population-specific best practices from consortium states for this population, perhaps the biggest lessons learned are that communication to potential applicants is key and many of the policy solutions to assist some of the other populations can be applied to immigrants seeking licensure as well.

Improved Communication to Licensees

Improved communication from licensing entities can improve outcomes for all types of applicants. Consortium states learned this to be particularly true for immigrants with work authorization. Maryland and Colorado are two examples of states that sought to improve communication with these applicants. Maryland sought to improve the accessibility of its licensure exams for non-native English speakers by allowing interpreters and/or translation dictionaries on exams for certain occupations. The Maryland team identified this as a goal for its action plan and was able to complete it through regulatory policy. As a result, applicants for licensure in cosmetology are now able to take the licensing exams with an interpreter present to assist in translating terms. Applicants for licensure in HVACR and plumbing are also now able to use translation dictionaries on their exams.

The Colorado consortium team identified reducing licensure barriers for immigrants as a top priority during the 2017 Multi-State Consortium Meeting. With significant assistance from the partners, the team was able to form a committee of community stakeholders to provide input on which parts of the licensure process were hardest for immigrants to navigate and to crowdsource ideas on how to address these barriers. Unlike some of the other populations, the policy tools that appeared to be most helpful for immigrants included more communication and messaging approaches, rather than big changes to legislation or regulation. The team was able to solicit feedback from this group of stakeholders to help drive its reforms in specific ways. One reform that came from the committee's feedback was a licensure guide for immigrants interested in pursuing a barber or cosmetology license. With best-practice information provided by the project's national experts, the team was able to identify licensing guides as an optimal solution to some of the most common communication problems for immigrants seeking state licensure. The team hopes to construct guides for many more occupations in the future.

Borrowing Best Practices from Other Populations

The other major takeaway from consortium states' experience working with the immigrant population is that best practices for other populations can often be borrowed to create helpful policies for immigrants. One major example comes from the Colorado team's successful passage of HB 1290 from 2019. The legislation allows applicants for licensure in the barbering and/or cosmetology occupations to substitute foreign work experience for the required hours of instruction. Applicants may substitute work experience obtained in a foreign country at a ratio of three months for every 100 required instruction hours. Applicants still must complete any hours or other requirements related to protecting public health and safety. The legislation enables immigrants, particularly those from countries where records may not be readily available, to submit other forms of proof, including a signed and notarized attestation of work experience. In crafting this policy, the Colorado consortium team borrowed from what it already learned about substituting military experience for licensure requirements and was able to successfully implement a solution impactful to the state's immigrant community.

Challenges

Successful communication between stakeholders critical to the immigrant community and licensing entities was one challenge consortium states faced. There are many local nonprofits assisting immigrants with job searching and placement services, but there is a level of decentralization that makes it difficult to communicate with all groups uniformly.

Furthermore, common practices that could help cut down on information asymmetry in licensing, such as making information readily available on websites, is often overlooked by state licensing entities. Coalescing a core group of community stakeholders working with the immigrant population who could then pass on the message from the state licensing body was an effective approach in both Colorado and Maryland to improve communication between the two sides. These efforts were both possible through the facilitation and convening expertise brought to the table by the partners. Unfortunately, despite best efforts, it is likely that parts of this population, perhaps those with less access to technology or who face other conflating circumstances, still aren't receiving the critical licensing information they need.

Although consortium states set out to remove licensing barriers for immigrants with work authorization, immigration status ultimately cropped up as a challenge for several states. Illinois and Nevada both passed legislation during their time as consortium members prohibiting licensing entities from refusing an applicant a license based on immigration status alone. Illinois' 2017 legislation, SB 3109, prohibits the state's Department of Professional and Financial Regulation from denying a license based solely on one's citizenship or immigration status. It also allows individuals to provide a taxpayer identification number on an application as an alternative to a social security number. Nevada's legislation, AB 275 (2019), is very similar. Arkansas also dealt with immigration status in HB 1552 (2019). The legislation is narrowly targeted to allow the state board of nursing to license recipients of the national DACA policy. The policy is intended to help the state with a shortage of skilled nursing professionals.

Low-Income, Unemployed and Dislocated Workers

Finally, of the four target populations in the consortium's work, states focused the least on the low-income, long-term unemployed and dislocated workers. In working with the states, the partners often heard that while policymakers and regulators would like to devote attention to this population group, they were constrained by their resources and ultimately chose to focus more on the other three groups. This project took place over the course of four years, three of which were during an economic expansion in the United States. The states that did pursue policy changes for this population had some success, and states that did not directly focus on this population addressed some of the issues it faced. For example, improving the portability of licenses, whether aimed at another population group or all license holders, still affected this population, which perhaps would benefit from moving to a region or state with more jobs.

VII. Moving Beyond 2020

Finding the right balance of occupational regulation will remain an ongoing effort for all states beyond this project. Though most of the formal activities of the consortium project are wrapping up in December 2020, the partners will continue to serve as a resource to the state teams through their regular membership services, including policy research, analysis, and regularly scheduled conferences and events. The resources and information produced by the partners and other organizations have given clarity and transparency to the kinds of barriers and challenges that many people face in entering a licensed occupation or moving across state lines.

The successes and momentum delivered by the consortium project established the groundwork for additional state reform efforts and peer learning opportunities. To this effect, the U.S. Department of Labor continued its support with additional grants awarded to the states and partners, which are scheduled to conclude June 30, 2021. You can find the states that were awarded the grants in the appendix along with the work of the partners.

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The grants will be used to review and streamline licensing requirements and address licensure challenges for veterans and transitioning service members. Kentucky is one of 11 member states in the Occupational Licensing Policy Learning Consortium, a program established by the Council of State Governments, the National Governor’s Association, and the National Conference of State Legislatures.

– Morehead State Public Radio, June 30, 2018

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There remains a lot of interest and momentum in the consortium states to continue the work, evaluate current licensing regulations, examine the portability of licenses and propose ways to reduce barriers for all workers. Similarly, states that were not involved have shown interest and movement in addressing many of the licensing challenges and opportunities listed in the report. The online resources and lessons learned from this report will continue to be useful for all states as a model for action.

Appendix A:

Foundation Work of the Partners

The partner organizations were well-suited for this project, given their years of experience and background work on workforce development issues, as well as the four population groups. Furthermore, the partners had collaborated on other projects, bringing together states teams with great success.

NCSL had previously collaborated with the NGA Center for Best Practices on a multi-state team-style project related to occupational licensing on scope of practice in the health workforce and another on maternal and child health issues. Both projects engaged state teams to develop and implement an action plan with support from NCSL and NGA.

NCSL and CSG have been engaged in a five-year collaboration with Women in Government and the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) to engage state policymakers and implement effective disability-inclusive employment policies

The partners also brought extensive experience and subject matter expertise in the four population group areas and interstate compacts. NCSL's Immigrant Policy Project and the NCSL Task Force on Immigration are leaders in addressing immigrant integration challenges and opportunities in states. NCSL's Task Force on Military and Veterans Affairs has examined issues and created programming related to cross-state occupational licensing. In addition, the NGA Center for Best Practices conducted a demonstration project funded by the U.S. Department of Labor that engaged governors in streamlining veterans' licensing and credentialing to identify the most efficient processes to transition veterans into civilian employment. The NGA Center also brought years of experience soliciting participation and buy-in from states on multistate projects, bringing teams together and setting common goals and timelines.

NCSL has extensive experience tracking and analyzing legislation, developing bill tracking databases, and presenting issues clearly and concisely through digital and print resources.

The NGA Center for Best Practices Workforce Development & Economic Policy Program has many years of experience in tracking and analyzing executive action and providing customized technical assistance on bipartisan gubernatorial priorities. Its experience also includes facilitating strategic planning and implementation for diverse state stakeholder groups, with a focus on improving availability of and access to quality jobs and training opportunities. In 2015, the NGA Center was contracted by DOL to analyze and produce a final report on the Veterans' Licensing and Certification Demonstration. It summarized state experiences, initial findings and cost estimates of reforming occupational licensing and certification regulations and processes to facilitate veterans' transitions into the civilian workforce. In addition to the activities noted above, the Workforce Development & Economic Policy Program has also led ongoing work for more than 15 years with state workforce board chairs and agency administrators on high-quality workforce system governance. This includes focusing on employment and training for low-income and dislocated workers, veterans and military families, people with criminal backgrounds and other disadvantaged populations. These populations have been incorporated as key populations of focus in a number of NGA Center workforce projects, including projects that focus on apprenticeship, sector strategies, and career pathway development.

NCSL represents the legislatures in the states, territories and commonwealths of the U.S. Its mission is to advance the effectiveness, independence and integrity of legislatures and to foster interstate cooperation and facilitate the exchange of information among legislatures. NCSL also represents legislatures in dealing with the federal government, especially in support of state sovereignty, state flexibility and protection from unfunded federal mandates and unwarranted federal preemption. The conference promotes cooperation between state legislatures in the U.S. and those in other countries. In addition, NCSL is committed to improving the operations and management of state legislatures, and the effectiveness of legislators and legislative staff.

NGA is a nonpartisan membership organization representing governors of the nation's 55 states, territories and commonwealths. The NGA Center is a research and development firm that directly serves the nation's governors, providing technical assistance, research and best practices across a range of policy areas. The NGA Center's Workforce Program, which participated in this partnership, works closely with state workforce agency leaders and governor-appointed state workforce board chairs who govern and interact with licensing issues in their states. The NGA Center has extensive experience in facilitating strategic planning among state leaders; administering a thorough and impartial application and selection process for states participating in project consortia; planning and hosting large multistate convenings; and producing quality written products.

CSG serves all three branches of state government and has a long-standing history of facilitating stakeholder convenings, such as those through its National Center for Interstate Compacts (NCIC). Since 1999, NCIC has assisted states in the development of interstate compacts focused on occupational licensing. Additionally, the CSG Justice Center has expansive knowledge related to state criminal justice policies. The Justice Center's reentry and employment program work focuses on efforts to improve employment outcomes for people with criminal records.

Appendix B:

Panel of Experts' Biographies

Dale Atkinson

Executive Director, Federation of Associations of Regulatory Boards

Dale Atkinson, who received his law degree from Northwestern School of Law, Portland, Ore., is the sole, managing member of the Northbrook, Ill., law firm of Atkinson & Atkinson, LLC, which represents various associations of regulatory boards. Atkinson represents associations in all matters relating to their operations as not-for-profit corporations, including regulatory activities, education and accreditation, disciplinary actions, model legislation and applications, and all phases of the development and administration of licensure examination programs, licensure transfer programs, licensure credentials verification and storage. He is a frequent speaker before these association clients, as well as other regulatory groups, and produces numerous writings on these subjects for publications. Atkinson also serves as executive director of the Federation of Associations of Regulatory Boards, a not-for-profit association whose full members consist of associations of regulatory boards, which facilitates cross-profession interaction and provides educational programs for board members, staff, investigators and attorneys related to regulation in the interest of public protection.

Daryl Atkinson

Staff Attorney, Southern Coalition for Social Justice

Daryl Atkinson is a staff attorney at the Southern Coalition for Social Justice focusing on drug policy and criminal justice reform issues. He also serves on the board of directors for the National Legal Aid and Defender Association and is a commissioner for the North Carolina Office of Indigent Defense Services. Atkinson received a B.A. in political science from Benedict College, Columbia, S.C., and a J.D. from the University of St. Thomas School of Law in Minneapolis. Prior to coming to SCSJ, Atkinson was a staff attorney at the North Carolina Office of Indigent Defense Services, where he co-managed the Collateral Consequence Assessment Tool (C-CAT). C-CAT is an online searchable database that allows the user to identify the civil disabilities triggered by North Carolina arrests, indictments, and convictions.

Marion Cain

Associate Director, Office of the Assistant Secretary of Defense

Marion Cain is currently assigned as associate director, force training directorate in the Office of the Assistant Secretary of Defense (Readiness). Before joining DOD, Cain led major training programs for Departments of Justice, Homeland Security and the Federal Emergency Management Agency. Under his leadership, these programs trained hundreds of thousands emergency responders to respond to terrorist attacks involving weapons of mass destruction. Previously, Cain served 26 years on active duty with the U.S. Army. A master parachutist, key assignments include service with the 82nd Airborne Division and the U. S. Army's Special Operations Command. His operational experience includes Operation Just Cause (Panama) and Operation Desert Storm (southwest Asia). A registered professional engineer and certified associate program manager, Cain's civilian education includes a B.S. in civil engineering from The Citadel, an M.S. in civil engineering from the University of California, Berkeley, and a master's of military art and science from the U.S. Army School of Advanced Military Studies. His military education includes the U.S. Army Command and General Staff College, School of Advanced Military Studies, Defense Language Institute (basic Spanish), and the Inter-American Defense College. Cain is also a certified somatic experience practitioner and recently completed training in biodynamic craniosacral therapy.

Marcus Beauregard

Director, Defense State Liaison Office within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy, U.S. Department of Defense

Marcus Beauregard, colonel, U.S. Air Force (retired) is the chief of the DOD-State Liaison Office within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy. Together with a senior liaison and eight regional liaisons, he works with state governments on a slate of 10 issues (one being consumer protection and enforcement of the DOD regulation on predatory lending). He spent 27 years in the Air Force, having assignments as a squadron commander, the director of Financial Management for Air Force Services, and the director of Morale, Welfare and Recreation Policy in the Office of the Secretary of Defense. He retired in July 2003 and continued to work as a contract employee from August 2003 to April 2010, at which time he became a civil service employee.

Paul Feltman

Director of Global Talent Bridge, World Education Services

Paul Feltman is deputy executive director for Global Talent Policy and Programs and director of the Global Talent Bridge program for World Education Services (WES), a nonprofit organization that helps immigrants gain recognition of their academic qualifications earned abroad. He oversees outreach, education and training programs, establishes strategic partnerships, and shapes policy initiatives designed to help immigrants successfully integrate into academic and professional settings in the U.S. and Canada. In this role, he works closely with community-based organizations, government agencies, academic institutions, employers and policymakers and makes frequent presentations on issues related to immigrant integration and credential recognition at professional conferences, workshops and public forums. Feltman serves as chair of the steering committee of IMPRINT, a coalition of organizations active in the emerging field of immigrant professional integration that is hosted and managed by WES. He also serves on the advisory board of the Massachusetts New Americans Integration Institute and on the National Blue-Ribbon Panel of the Community College Consortium for Immigrant Education.

Joe Garcia

Former President, Western Interstate Compact on Higher Education, Current Chancellor of the Colorado Community College System

Joe Garcia was appointed president of the Western Interstate Compact on Higher Education (WICHE) in June 2016. He served as the lieutenant governor of Colorado and as the executive director of the Colorado Department of Higher Education, beginning in 2011. He had previously served on the WICHE Commission for nine years, including serving as its chair in 2011. During his time as lieutenant governor and as the state higher education executive officer for Colorado, Garcia focused on increasing equity in outcomes for all students, particularly those from low-income backgrounds and communities of color. Prior to being elected lieutenant governor, Garcia served as president of Colorado State University-Pueblo, which was named the Outstanding Member Institution by the Hispanic Association of Colleges and Universities during his tenure. He also served as president of Colorado's second-largest community college, Pikes Peak Community College, where he was twice named President of the Year by the State Student Advisory Council. His previous public service positions included serving as a member of the cabinet of Governor Roy Romer and as a White House appointee under President Bill Clinton at the Department of Housing and Urban Development. He also was employed in the private practice of law for 10 years at the law firm of Holme Roberts & Owen, where he became the first Hispanic partner in the 100-year history of the firm. Garcia earned his B.S. in business at the University of Colorado-Boulder and his J.D. from Harvard Law School.

Morris Kleiner

Professor, Humphrey School of Public Affairs, University of Minnesota

Morris M. Kleiner is a professor at the Humphrey School of Public Affairs, and he teaches at the Center for Human Resources and Labor Studies, both at the University of Minnesota–Twin Cities. He is also a research associate in labor studies with the National Bureau of Economic Research and serves as a visiting scholar in the economic research department at the Federal Reserve Bank of Minneapolis. He has published extensively in the top academic journals in labor economics and industrial relations, and is the author, co-author or co-editor of eight books, including three books on occupational regulation. Among his recent publications is “Reforming Occupational Licensing Policies,” a paper from the Hamilton Project. He received a doctorate in economics from the University of Illinois. Professor Kleiner has provided advice on occupational regulation policy to the Little Hoover Commission in California, Federal Trade Commission, the Council of Economic Advisers, the Department of the Treasury, the Department of Justice, the Board of Governors of the Federal Reserve System, the U.S. Senate Judiciary Committee, federal interagency statistical panels, the Census Bureau and state licensing associations. Internationally, he has provided testimony on occupational regulation to United Kingdom cabinet officers and their parliamentary committees, to cabinet officials responsible for occupational regulation in Australia and Israel, and to senior officials of the European Union.

Lisa Knepper

Manager of Strategic Research Initiatives, Institute for Justice

Lisa Knepper helps manage the Institute for Justice’s strategic research initiative, which creates policy and social science research on issues central to IJ’s mission—school choice, private property rights, economic liberty and free speech. Knepper co-authored IJ’s reports, “License to Work: A National Study of Burdens from Occupational Licensing,” “Policing for Profit: The Abuse of Civil Asset Forfeiture, 2nd ed.,” and “Streets of Dreams: How Cities Can Create Economic Opportunity by Knocking Down Protectionist Barriers to Street Vending.” Articles she has authored or co-authored have appeared in The Wall Street Journal, the Atlantic online, CNN.com and the journal Economic Affairs.

Bryan Wilson

Director of the Workforce Quality Campaign, National Skills Coalition

Bryan Wilson is the state policy director at the National Skills Coalition. Wilson leads NSC’s efforts to assist state-based coalitions and policymakers in the development of specific policy proposals, including providing in-depth analyses of model state policies and proposals. He also aids with policy implementation and measuring the impact of policy changes. Wilson works to align state policy activities with NSC’s national policy goals and helps to inform federal advocacy so it is consistent with the needs of states and local practitioners. He joined NSC in 2013. Prior to joining NSC, Wilson was the deputy director of Washington state’s Workforce Training and Education Coordinating Board, which oversees both the state’s workforce development and career and technical education programs at the secondary and postsecondary levels. He also held policy posts in the Washington state governor’s office and in the state House of Representatives. Bryan holds a doctorate degree from Rutgers University, a master’s from the University of Oregon, and a bachelor’s degree from the University of Michigan. He is based in Washington, D.C.

Rick Masters

Counsel to National Center for Interstate Compacts

Rick Masters is special counsel to the National Center for Interstate Compacts (NCIC), affiliated with the Council of State Governments (CSG), providing legal guidance on the law and use of interstate compacts, their application and enforcement and bill drafting guidance in conjunction with the various NCIC compact projects. He has been a primary drafter of many compacts, including multistate licensure compacts for the professions of nursing, medicine, physical therapy, emergency medical services and psychology. He also provides legal advice to a variety of compact governing boards and agencies and testifies before state

legislatures and Congress about compact legislation. He does extensive research and writing in the field of interstate compacts, including co-authoring the largest compilation of laws and commentary on the subject published by the American Bar Association in 2016 entitled, "The Evolving Law and Use of Interstate Compacts 2nd Edition." He received his Juris Doctor from the University of Louisville and served as a Kentucky assistant attorney general, after which he was general counsel to CSG.

Adam Parfitt

Executive Director, Council on Licensure Enforcement and Regulation

Adam Parfitt is executive director of the Council on Licensure, Enforcement and Regulation (CLEAR), a position he has held for the last 10 years. During two decades at CLEAR, he previously served as the organization's director of International Relations. CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation. CLEAR is a dynamic forum for improving the quality and understanding of regulation in order to enhance public protection. Through conferences, services and publications, CLEAR provides the resources for ongoing and thorough communication of international licensure and regulation issues among all those interested in the field. Prior to his time with CLEAR, Parfitt worked with several associations of state government officials.

Appendix C:

List of In-state Meetings

State	Meeting Date	Organization Lead
Arkansas	Jan. 25, 2018	NCSL
	Oct. 22, 2018	NCSL
Connecticut	March 2, 2018	NGA
	Aug. 29, 2018	NGA
Arkansas	Feb. 28, 2018	NCSL
	Sept. 12, 2018	NCSL
	June 24, 2018	NCSL
Delaware	March 28, 2018	NCSL
	July 30, 2019	CSG
Indiana	May 22, 2018	NGA
	Dec. 11, 2018	NGA
	May 21, 2019	NGA
Illinois	Feb. 9, 2018	NCSL
	Sept. 12, 2018	NCSL
Kentucky	April 30, 2018	CSG
	Sept. 19, 2018	CSG
	April 8, 2018	CSG
Maryland	Feb. 26, 2018	NCSL
	Sept. 25, 2018	NCSL
Nevada	April 28, 2018	NCSL
	Jan. 24, 2018	NCSL
	Sept. 26, 2019	NGA
Utah	April 13, 2018	NCSL
	Sept. 21, 2018	NCSL
	April 17, 2019	CSG
Wisconsin	April 24, 2018	CSG
	March 16, 2019	CSG
	March 11, 2020	NCSL

Appendix D: American Institutes of Research Case Studies of Consortium States

The American Institute for Research (AIR) conducted case studies on the 11 original consortium states, identifying one occupational licensing initiative to conduct a deep examination of what worked and what didn't. The case studies can be found on [the AIR website](#).



NCSL OCCUPATIONAL LICENSING CONSORTIUM CASE STUDY REPORTS

NOVEMBER 2019

Gauri (Gee) Rege, MA | Tessa Riley, MA | Brannan Mitchel-Slantz, MA |
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NCSL OCCUPATIONAL LICENSING CONSORTIUM CASE STUDY REPORTS

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)

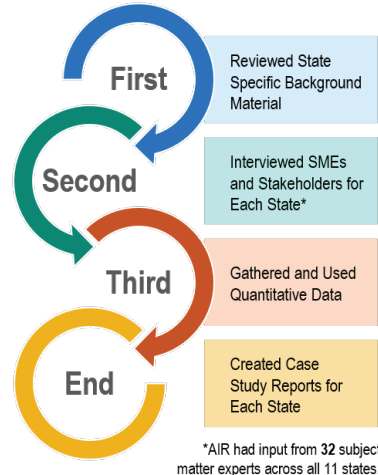
Exhibit 1. List of 11 states and their respective case study focal topics and page numbers in this report

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



Appendix E:

Methodology of Database

To develop a methodology for which occupations to include in the database, CSG, in consultation with NCSL, the NGA Center and the panel of experts, first developed a list of licensed, middle-income occupations. These occupations were selected based on two primary criteria:

1. Occupation is licensed in at least 30 states.
2. Occupation requires less than a bachelor's degree.

The initial data download was accessed from CareerOneStop, a federally funded national clearinghouse for information about occupations, training programs and industries. CSG downloaded a dataset of licensed occupations by state then sorted the data by unique Standard Occupational Classification (SOC) code and eliminated any duplicates by state. CSG then refined the search to include occupations that are licensed in 30 or more states. This resulted in a list of 103 occupations with unique SOC codes.

This list was cross-referenced with the list from the Institute for Justice's "License to Work" report, which collected data on licensed, low-income occupations, resulting in a total of 144 occupations.

Where appropriate, occupations were collapsed into one category (e.g., carpenter/cabinet contractor, cement finishing contractor, drywall installation contractor, floor sander contractor, glazier contractor, insulation contractor, iron/steel contractor, mason contractor, painting contractor, sheet metal contractor, terrazzo contractor, paving equipment operator and door repair contractor were all placed under the occupation "general contractor"). In addition, duplicates were removed when it was determined the same occupation was being referenced through slight variations in title names. This resulted in a total of 125 occupations for consideration.

Among the 125 occupations under consideration, entry-level education was determined for 122 occupations. Information regarding the three remaining occupations (animal breeder, auctioneer and milk sampler) were marked as undetermined and removed from the list. All occupations with an entry-level education of a doctorate or master's or professional degree were eliminated to conform to the scope of this project. This left 75 occupations. To narrow the field further, those occupations with an entry-level education of a bachelor's degree were eliminated, leaving 39 occupations. One occupation—real estate appraisers—required a bachelor's degree but was included at the request of the Department of Labor. The resulting list includes 40 occupations.

The next criterion applied to the list was projected growth rate as determined by the [Bureau of Labor Statistics](#). Applying this measure, the following six occupations, with less than average (2% or less) growth, were eliminated:

 Bill Collector Agency, Bill and Account Collectors	 Real Estate Brokers
 Manufactured Building and Mobile Home Installers	 Pesticide Handlers, Sprayers, and Applicators, Vegetation
 Fishers and Related Fishing Workers	 Funeral Service Managers

The remaining 35 occupations were ranked by the number of total projected job openings from 2014 to 2024. Values range from a low of 7,200 projected jobs (earth drillers, except oil and gas) to a high of 599,000 jobs (nursing assistants).

The single occupation projected to have less than 10,000 job openings (earth drillers, except oil and gas) was eliminated from the list, leaving 34 occupations. Further analysis of the remaining occupations revealed that the licensing complexity of preschool and vocational teachers would complicate their ability to be accurately captured within the database, and therefore were not included for collection.

This resulted in a final list of 32 occupations for the database:

- | | |
|--|---|
| 1. General Contractors | 18. Manicurists and Pedicurists |
| 2. Teacher Assistants | 19. Skin Care Specialists (Estheticians) |
| 3. Respiratory Therapists | 20. Insurance Sales Agents |
| 4. Dental Hygienists | 21. Electricians |
| 5. Radiologic Technologists | 22. Pipefitters and Steamfitters |
| 6. Emergency Medical Technicians | 23. Plumbers (Journeyman) |
| 7. Pharmacy Technicians | 24. Construction and Building Inspectors |
| 8. Veterinary Technicians | 25. Security and Fire Alarm Systems Installers |
| 9. Licensed Practical and Licensed Vocational Nurses | 26. Heating, Air Conditioning, and Refrigeration Mechanics and Installers |
| 10. Certified Nursing Assistants | 27. Drinking Water Treatment Plant and System Operators |
| 11. Occupational Therapy Assistants | 28. Bus Driver (City/Transit) |
| 12. Physical Therapy Assistants | 29. Bus Drivers (School) |
| 13. Massage Therapists | 30. Heavy and Tractor-Trailer Truck Drivers |
| 14. Private Detectives and Investigators | 31. Real Estate Sales Agents |
| 15. Security Guards | 32. Real Estate Appraisers |
| 16. Barbers | |
| 17. Hairdressers, Hairstylists and Cosmetologists | |

For the final database occupations, available data relating to occupational licensing laws and requirements were collected at the state level. The resulting dataset provides details on the prevalence and levels of initial and continuing education requirements, the number and frequency of examinations, amount of occupational or professional experience or other required job training, and the monetary fees associated with receiving an occupational license across all states.

For each occupation and across all states, where available, the dataset includes the following numerical variables:

- Level of educational attainment needed to fulfill the licensure requirement.
- Number of hours/units of training needed to fulfill the licensure requirement.
- Number of weeks of experience required to fulfill the licensure requirement.
- Number of examinations taken to fulfill licensure requirement.
- Number of years before renewal is required for an occupational license.
- Number of hours/units of continuing education required to maintain or renew licensure.
- Maximum dollar amount charged for initial licensure.
- Maximum dollar amount charged for renewal of licensure.
- Minimum age needed to fulfill licensure requirement.

Categorical variables are created to describe varying state licensing policies such as:

- Requirement for maintenance of “good moral character.”
- Restrictions imposed on individuals with criminal records.
- Reciprocity agreements allowing interstate license recognition.

Appendix F:

Consortium Targeted Occupations

A requirement for each consortium state's initial application was to identify at least four target occupations that it intended to study further. Although some of the targeted occupations were changed during the course of the project by the state teams, the occupations listed in the applications provide insight into each state's greater reform strategies.

State	Occupation	Basis for Selection
Arkansas	<ul style="list-style-type: none"> • Construction Managers • Construction and Building Inspectors • Heavy and Tractor Trailer Truck Drivers • Real Estate Agents • Security and Fire Alarm Systems Installers • Water and Wastewater Treatment Plant Operators 	<ul style="list-style-type: none"> • Overly burdensome regulations
Colorado	<ul style="list-style-type: none"> • Certified Addiction Counselors • Electricians • Plumbers • Barbers • Cosmetologists 	<ul style="list-style-type: none"> • In-demand occupations • Industry-specific factors • Barriers to entry
Connecticut	<ul style="list-style-type: none"> • Home Health Aides • Physical Therapy Assistants • Massage Therapists • Truck Drivers • Electricians • Telecommunication Infrastructure Layout Technicians 	<ul style="list-style-type: none"> • In-demand occupations
Delaware	<ul style="list-style-type: none"> • HVAC • Plumbers • Massage Therapists 	<ul style="list-style-type: none"> • Criminal justice reform strategies
Illinois	<ul style="list-style-type: none"> • Genetic Counselors • Landscape Architects • Electrologists • Detection of Deception Agents • Geologists • Land sales/Timeshare • Internet Auction Listing Services 	<ul style="list-style-type: none"> • Review of continued relevancy for licensure

State	Occupation	Basis for Selection
Indiana	<ul style="list-style-type: none"> Dental Hygienists Emergency Medical Technicians Nursing Assistants Licensed Practical Nurses 	<ul style="list-style-type: none"> Workforce shortages Health care access
Kentucky	<ul style="list-style-type: none"> Hairdressers/Hairstylists/Cosmetologists Physical Therapists Licensed Practical Nurses/Licensed Vocational Nurses Respiratory Therapists 	<ul style="list-style-type: none"> Opportunities for regulatory structure changes
Maryland	<ul style="list-style-type: none"> Barbers Cosmetologists Plumbers, HVACR, Plumbing 	<ul style="list-style-type: none"> In-demand occupations Demand by disproportionately affected populations Regulatory structure
Nevada	<ul style="list-style-type: none"> Health Care Construction 	<ul style="list-style-type: none"> In-demand occupations
Utah	<ul style="list-style-type: none"> Construction and Contracting Occupations Beauty Occupations 	<ul style="list-style-type: none"> Number of current licensees
Wisconsin	<ul style="list-style-type: none"> Cosmetologists Aestheticians Interior Designers Private Security Personnel 	<ul style="list-style-type: none"> Number of current licensees

Appendix G:

Individual State Grants from Department of Labor

In 2018, the U.S. Department of Labor invited states and other entities to apply for individual grants aimed at assisting their review, streamlining and portability of occupational licensing. In total, nine states received project grants, including three of the consortium states: Colorado, Kentucky and Nevada. Another consortium state, Indiana, was awarded a separate grant in 2019, entitled the Veterans Accelerated Learning for Licensed Occupations (VALLO) project.

Included is a brief overview of what the four consortium awardee states have done or plan to accomplish with the additional grant funds:

Colorado – \$260,000

Colorado has allocated its grant funds to hire a full-time policy advisor for the Division of Professions and Occupations (DPO) in the Colorado Department of Regulatory Agencies (DORA). The policy advisor is currently assisting DORA with ongoing occupational licensure research and analysis and serves as a primary point of contact between DORA, interbranch collaborators, the project partners and other stakeholders.

To date, research priorities have focused on interstate mobility for licensed workers and issues affecting disproportionately impacted populations, including immigrants and those with a criminal record. This research has supported the development of legislation and the completion of other research projects and stakeholder resources, including a licensing guide for immigrants and refugees and a proposal to address collateral consequences for those with criminal convictions.

The grant- hired policy advisor is also tasked with coordinating with other state departments, including the Department of Public Health and Environment, Department of Human Services, Department of Corrections, Public Defenders Office and the Office of the Governor. Further stakeholder outreach has included Emily Griffith Technical College and Spring Institute, a nonprofit that focuses on immigration issues.

The work of the DPO and the policy advisor will continue into 2021, with additional project plans to expand licensing reform and streamlining efforts to additional professions.

Indiana – \$1.53 Million

The U.S. Department of Labor's Employment and Training Administration has awarded a \$1.53 million VALLO grant to Ivy Tech Community College of Indiana. The Council of State Governments, in partnership with Ivy Tech, provides research and administrative support to the planning and deliverables of the grant.

Over the next two years, the partners will develop programs that make military experience recognized in civilian licensed occupations across the state of Indiana. In addition, they will market these programs nationwide to decrease the overall unemployment and underemployment rates among the veteran population. The VALLO project will create detailed gap analyses based on robust legislative scans and examination of military occupation qualification. Those gap analyses will be used to identify barriers faced by veterans and service members when transitioning to a range of civilian occupations. By June 2022, 3,000 Hoosier veterans will be enrolled across VALLO programs in health care, mechanical and construction industries, and transportation.

Kentucky – \$450,000

Kentucky received \$450,000 from the Department of Labor to address an initial set of six objectives:

- Conduct research on activities of other states to identify variable courses of action to organize licensing boards.
- Conduct a multistate analysis and report on licensing requirements for targeted licenses to investigate similarities/differences.
- Conduct a license analysis and report to identify and remove barriers for targeted populations.
- Pilot a portability project for respiratory therapist licensing through collaboration with identified neighboring/consortium states.
- Continued engagement/training for board members.
- Identify and pursue potential tools to engage state licensees.

The grant project is administrated by the Kentucky Public Protection Cabinet. However, due to a change in administration, the grant team is currently in the process of evaluating the final project outcomes.

“

The grants will be used to review and streamline licensing requirements and address licensure challenges for veterans and transitioning service members. Kentucky is one of 11 member states in the Occupational Licensing Policy Learning Consortium, a program established by the Council of State Governments, the National Governor’s Association, and the National Conference of State Legislatures.

– Morehead State Public Radio, June 30, 2018

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Nevada – \$449,999

The Nevada Office of Workforce Innovation (OWINN) received \$449,999 to support an in-depth review of the state’s occupational licensing requirements, identify reform strategies and improve licensing data infrastructures. The grant is supported by a project manager who provides day-to-day oversight and coordination with stakeholders. OWINN has also contracted with a consulting firm to conduct project research into the state of occupational licensing in Nevada, including a multistate survey of licensing requirements for in-demand occupations. Further research will provide a literature review and report of findings from the 11 consortium project states, Nevada’s sunset committee reviews and any other existing occupational licensing board audits. The contractor will also investigate current occupational licensing policies and practices and identify potential barriers for license holders and applicants. The resulting findings will be tailored into actionable recommendations for the appropriate audiences (i.e., legislators, state agencies, educators and licensing boards). Finally, the research will consider the state’s occupational licensing data needs and recommend ways to support a robust data infrastructure system.

While the majority of grant funds will be allocated for the research portion, funds will also be used to plan and facilitate meetings focused on occupational licensing review and reform. The consulting firm is expected to assist the project manager in planning and participating in roundtable events to gather information from stakeholders. Project personnel will conduct further stakeholder outreach at occupational licensure policy convenings and in consultation with external policy organizations.

Expanded Partner Organization Technical Assistance

In 2018, CSG and NCSL were each awarded additional grants to support further state policy reform efforts. These include the addition of new state and regulatory board involvement in the consortium and the expansion of technical assistance to a wider policymaker audience. They also include the development of new policy resources, with a particular focus on interstate compacts, licensure portability and military members, veterans and their spouses.

Consortium Expansion

With the additional grant funds, five states were added to the project consortium: Idaho, New Hampshire, North Dakota, Oklahoma and Vermont. In consultation with the existing and new consortium states, regulatory board members were also invited to join the respective state teams.

The new consortium members' inaugural participation occurred during the consortium's second national meeting, which provided an orientation to the project and introduction to the existing state teams, subject matter experts and partners. The meeting also served as an opportunity for the new state teams to further refine their policy strategies and identify the initial steps to implement their goals. The regulatory board members added to the state teams provided another crucial stakeholder voice that assisted in the consideration, development and enactment of reform strategies.

Additional State Outreach

The project consortium created a unique and valuable network of states, subject matter experts, occupational licensure stakeholders and the partner organizations. This multi-state learning environment resulted in a number of valuable state policy examples and connections that are of benefit to other states considering and implementing occupational licensure reform. To this effect, the partner organizations have convened additional policy seminars and conference sessions open to states outside the consortium.

Capitalizing on the partners' ability to build additional programming in their existing policy conferences, the project convenings have highlighted pertinent topics of licensure policy. These include workforce reentry, disproportionately affected populations, interstate compacts and sunrise/sunset provisions.

Joint Center for Occupational Licensure Excellence

To support further collaboration between the partner organizations and provide a single resource center for occupational licensure policy, CSG and NCSL established the Joint Center for Occupational Licensure Excellence (Center). The work of the center will specifically prioritize outreach and support to the states previously not engaged in the work of the consortium. In 2021, the center will host a national occupational licensure policy meeting, which will draw on the collective institutional knowledge, lessons learned and state partnerships developed in the consortium.

Partner Resources

The second phase of the project also provides an opportunity to develop additional policy resources that will assist states considering occupational licensing reform measures. The project outputs will specifically focus on promising state strategies identified during the project, including sunrise/sunset, licensure portability, state workforce strategy integration, and policies that support military members, veterans and their spouses.

Expanding the Database

The occupational licensure database created in the first phase of the project served as a critical tool for states in assessing and analyzing their occupational licensing frameworks. Given the success of the database, the second phase of the project will see the addition of new occupations, as well as information on regulatory boards and licensure portability options.

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