DIRECT DEREGULATION OF OCCUPATIONS

Licensure deregulation aims to eliminate the state government’s 10th Amendment right and responsibility of regulating a profession, occupation, or trade. It is based on a determination by elected officials that the public (and profession, occupation, or trade) is not well served by such government oversight. Legislative inaction to continue licensing an occupation can have the same effect as deregulation if boards and regulatory oversight are subject to “automatic” sunset or expiration.

Proponents of deregulation believe that occupational licensure limits an individual’s freedom of enterprise, imposes burdens that outweigh public protection or benefit, and unfairly limits competition and entrance into the occupation. These entities believe that market forces or a less restrictive form of regulation, can provide adequate public protection. However, professions that have a significant, substantial, and documented threat to public health, safety, and welfare, which includes landscape architecture, necessitates a state licensing regime.

Key Elements of Concern

- Protecting the public from harm is a constitutional right (10th Amendment) and responsibility of state government.
  - Due to the technical nature of various professions, local, state, and federal governments require the use of licensed professionals on certain projects.
  - Deregulation of highly technical and skilled professions, such as landscape architecture, architecture, and engineering, can lead to incompetent practice resulting in serious injury, death, and/or severe economic hardships for individuals, communities, and governments.

- State government oversight of professions and occupations should only be implemented to protect public health, safety, and welfare.
  - State regulation should not protect market participants from competition or restrict entry into the occupation.

- Occupational licensing ensures that licensed practitioners are competent, especially in the case of technical professions.
  - Many professions, including landscape architecture, are complex, nuanced, and poorly understood by the general public.
  - Licensing provides the client (both private and public entities such as local governments), insurers, and the general public assurance that an individual has achieved a certain level of competence.
  - Education, experience, and examination requirements establish a minimum level of competence needed to protect public health, safety, and welfare.

- Licensing boards provide a check and balance on the profession.
  - Licensing Boards have technical expertise and can provide an objective forum to hear consumer complaints of malpractice and, in most cases, would have the ability to fine or sanction bad actors.