OCCUPATIONAL LICENSING REVIEWS/STUDIES

Legislation or Executive orders may direct or establish an entity to oversee/implement a study on occupational licensing reform, including the possibility of recommending licensing deregulation. These laws/orders are broadly focused on occupational licensing reform and boards, including those which impact landscape architecture.

The studies, committees, commissions, or boards created by these bills or executive orders are tasked with various combinations and levels of reviewing and making recommendations on state agency regulations or board licensing actions. Proponents believe these reviews/studies ensure that the work of the board is based on a clearly articulated state policy and that the occupational license is necessary for the protection of public health, safety, and welfare. Proposed recommendations usually include sunrise or sunset provisions, sometimes as often as every three years; reviews of board regulations, sometimes as frequently as every year; and increased oversight of occupational regulation by creating new regulation approval processes.

Key Elements of Concern

- Reviews are not necessarily harmful and can offer important opportunities.
  - Sunset laws that periodically review the purpose and functions of state agencies to determine whether to continue, revise, consolidate, or terminate licensing laws and boards is a public good.
  - These reviews may also offer the opportunity to make improvements to existing licensing laws.

- The reviewing entity (boards/commissions), whether legislative or gubernatorial appointed, should be fairly balanced in their construction and offer the opportunity for input by the public as well as regulators.
  - Economic interests should not supersede the interest of the protection of public health, safety, and welfare.

- Study recommendations, if designed improperly, may increase threats to public health, safety, and welfare.
  - Recommendations may dilute professional standards, increasing potential harm to the public, if decisions issued by the oversight body run counter to the expert judgments of licensing boards.
  - Recommendations may create greater administrative burdens on regulatory boards that are costly and time intensive.
  - For example, the creation of one central agency for approving all state licensing board requests for approvals or regulation changes will likely result in a much longer process for approval of occupational regulation changes.