Let’s Make the Most of Our Time Together

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• Submit questions to Andrea Elkin using the chat feature

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Welcome!

Joel Albizo  
CLARB  
Chief Executive Officer

Elizabeth Hebron  
ASLA  
State Government Affairs Director

David Sprunt, ASLA  
CLARB  
Senior Licensure Defense Consultant
1. Legislative trends and how we are responding

2. Understanding legislation and the potential impacts

3. Best practices in building strong relationships

4. Resources available to members

5. Next Steps in defending licensure
Alignment of Disruptive Forces

- Political Agendas
- Interest Groups
- Unequipped Regulators
More Federal Intervention

• National Occupational Licensing Learning Consortium
• Active FTC focused on licensure, boards
• Congressional legislation
• White House infrastructure plan*

*Requiring that States accepting federal funds for infrastructure projects accept workers with out-of-state licenses to work on those projects would speed project delivery, reduce project costs and provide flexibility to workers with out-of-state skilled trade licenses.
Energized, Mature Interest Group Coalition
Well Established, Refined Narrative

- Keeps markets closed, rewards incumbents
- Raises prices to consumers
- Disadvantages women and minorities
- Disadvantages those of lesser means, education
- Makes low income work less rewarding
- Discourages entrepreneurship, innovation
- Limits mobility
- Doesn’t align with health and safety risks

Doesn’t align with health and safety risks
Legislator rips up bill to end licensing for social workers, barbers, other professionals

Do Occupational Licenses Exacerbate the Prison-to-Poverty Pipeline?

Occupational Licensing Reform Becomes a Cause Both Republicans and Democrats Can Love

Occupational (License) Hazards: Style Hair at a Church And Go to Jail?

Occupational Licensing Reduces Interstate Mobility

New Study Shows Licensure Laws Kill Jobs in All 50 States

States realizing it's stupid to make it hard to earn a living

Need a license to do your job? That may be excessive

The Disappearing Right to Earn a Living

The Onerous, Arbitrary, Unaccountable World of Occupational Licensing

License to Mow Lawns? Occupational Licensure and Liberty

Nebraska Requires Barbers To Train Longer Than EMTs. That’s Ridiculous
Commentary: A dog-walking license? Please. Here's how to stop this silliness.
My radical proposal is therefore for the federal government to pre-empt as much occupational licensing as is possible. That's right, these functions would be taken away from state and local governments.

Tyler Cowen
Professor of Economics
George Mason University
General Director
Mercatus Center
Conflict
Limitations
Fear
Comprehensive Licensure Reviews Growing

- Alabama
- Arizona
- Delaware
- Connecticut
- Georgia
- Idaho
- Illinois
- Indiana
- Kentucky
- Louisiana
- Massachusetts
- Michigan
- Mississippi
- Missouri
- Nebraska
- New Hampshire
- New Jersey
- Ohio
- Oklahoma
- Pennsylvania
- Utah
- Virginia
- Washington
- West Virginia

(24 states so far)
New Focus on Mobility

Examples
• FTC portability roundtable
• Congressional hearings
• Department of Labor Compacts
• White House infrastructure plan
• Temporary license compacts
• Letters from service branch secretaries

Why
• Feds have an interest in interstate commerce, competition
• Lots of juicy examples
• Military angle
• Divide and conquer
• It might work!
“There are also significant inconsistencies between state requirements for licensing. For example while an individual in Missouri must only pay a 52 dollar fee and does not need specialized training to be an auctioneer, Tennessee requires a 650 dollar fee and 756 days of specialized training for the same license.”

Dave Brat, R-VA
Landscape Architecture: A mobile profession

1. Landscape Architecture is a mobile profession with over 50% practicing in more than one jurisdiction.

2. Landscape Architects can work in multiple jurisdictions with ease because of consistent requirements.

3. All 50 states, the District of Columbia, readily accept an accredited degree in Landscape Architecture, four years (or less) of experience, and passage of the Landscape Architect Registration Exam as qualification for licensure.

4. Nearly all (92%) Landscape Architectural Licensees meet these standards.

5. Landscape Architecture is one of only 60 professions licensed in every US state and DC.

CLARB
The Licensure Community Is Engaged
Licensed Professions

21 member associations
500 boards
5 millions licensees

- Disruption is #1 CEO concern
- New focus on positive story
- July National Policy Summit to explore collective action
“What keeps me up at night is the fear of the unknown as it relates to licensure challenges. I never know what to expect when I wake up each morning.”

Humayun Chaudhry, DO
President and Chief Executive Officer
Federation of State Medical Boards
Design Professions

• Joined by interior design
• Robust information exchange
• Coordination on state issues
• Consensus emerging on collective action
Questions?
The ASLA-CLARB Advocacy Connection is Stronger and More Productive

- Development of joint resources
- Better communications coordination
- Collaborative response to threats
FY 2018 Focus

• Strengthen the board/chapter relationship, and
• Increase participation as an active participant (in appropriate ways) to defend licensure
Understanding Legislation and the Impacts on LA Licensure

Elizabeth Hebron, Director, State Government Affairs ASLA
David Sprunt, Sr. Licensure Defense Consultant CLARB
Deregulation Trends:
2018 Occupational Licensing Deregulation Activity
Deregulation Trends:
Occupational Licensing Deregulation Bills

What do they do?
• Remove licensing: "oversight does not serve the public"
• Belief: government should not prevent individuals from pursuing an occupation
• “Market Darwinism”

Where have LA deregulation bills appeared?
• AZ (2016 & 2018)
• VA (2017 & 2018)
• MI
• WA (2017 carryover)

• Previous years
  • IL, MT, MO, WI

• NE and IL bills reform LA licensure
Overview:
Deregulation Laws

Key Elements:
• Remove occupational regulation
• Some laws replace licensing with certification or registering with the state and participating in an “Angie’s List or Yelp”

Impacts:
• Incompetent practitioners
• Harm to public health, safety and welfare
• Difficult to gauge competence of professionals
• Inability to compete for projects requiring licensed professionals
Deregulation trends:
Occupational Regulation Oversight & Review Bills

What do they do?
• Create provisions and entities to oversee and study state occ. regulation, and make recommendations
• Increased oversight
• Ensure state agency/board actions premised upon a clearly articulated state policy

Where have they appeared this year?
• Executive Orders – 5 States
• Legislation – 15 States
• In Idaho – Both

2018 Regulation Oversight Bills and Executive Orders
Overview:
Regulation Oversight and Review Laws

Key Elements:
• Create or enable reviews of occupational licensure
• Sunrise/Sunset reviews – some as often a 3 years
• Regular review of board regulations
• Increased oversight of the board by Governor’s office/Legislature

Impacts:
• Additional administrative burdens / unnecessary reviews
• Potential for deregulation or diluted professional standards
• Potential loss of protection of public health, safety and welfare
Deregulation trends:
Right to Earn a Living and similar bills

What do they do?
• Model law promoting occupational licensing reform
• Developed by the Goldwater Institute
• Endorsed by influential pro-licensing reform organizations

Where have they appeared?
• Throughout the country 2016 - 2018
• AZ SB 1437 passed in 2017
Overview:
Right to Earn a Living and similar laws

• Key elements:
  • Emphasizes the right of an individual to pursue a trade or occupation
  • Requires review of all occupational licensing laws
  • Allows challenges to regulatory system through the courts
  • Shifts burden to the agency/board to justify its existence

• Impacts:
  • Continual legislative reviews
  • Higher legal bar to justify licensing
  • Unknowns of court rulings
  • Potentially lowered standards for professional competence
  • Increased administrative burden defending against lawsuits
Deregulation Trends:
Interstate Compacts for Temporary Licensure

What do they do?
• Contract between states creates an agreement on various issues:
  • Establishing legal relationship to resolve a specific dispute or problem
  • Uniform guidelines and standards
• Supported by U.S. Sec. of Labor Acosta, FTC, and multiple Governors

Where have they appeared?
• Active – Arizona, Missouri
• Defeated – South Dakota

2018 Interstate Compacts for Occupational Licensure Bills
Overview:
Interstate Compacts for Temporary Licensure

Key Elements:
- Allow licensed professionals from one state to temporarily practice in another state
  - 18 month term
  - 24 month term for military spouses

Impacts:
- Dilution of professional standards to least common denominator
- Additional administrative burden – if existing process works
- Reciprocity not usually an issue for military spouses
- Mismatch in state-to-state scopes of practice and requirements
Questions?
Best Practices: Members in the Spotlight

David Sprunt, Senior Licensure Defense Consultant

CLARB
March Web Summit Survey

• Survey responses
  • 29 CLARB respondents
    (including Canada and Puerto Rico)
  • 19 ASLA respondents

• Best practices
  • Board/chapter interactions
  • Interactions with lawmakers
Survey results:
Recent interactions between board and chapter

• Information sharing & outreach
  • Meeting times & Invitations to attend
  • Legislative activity

• Shared events
  • Brown bag lunch for emerging professionals
  • Planning for recognition of new licensees
  • Joint presentations to students

• Challenges
  • Board/Chapter location
  • Perceived or legal barriers to interaction
  • Planning for long-term engagement
  • Annual turn over of Chapter leadership
In the Spotlight:
Case Studies – Board / Chapter Interactions

• Joint meetings to discuss issues
  • Colorado -
    • Dean Pearson (CO Board)
    • David Sprunt (ASLA CO)
  • Rhode Island
    • Steven Pilz (RI Board)

• Nevada board and chapter successfully respond to legislative reviews
Survey results:
Advocacy: Interactions with lawmakers

- Messaging – Commitment to protection of public health, safety and welfare
- Site tours – focusing on HSW issues & importance to constituents
- Personal connections with legislators (and give copies of LA Magazine!)
- Show connections between LA’s and their communities, and with legislative interests
  - LA’s are small business owners
  - Students in state LA programs
- Emotionally-connecting stories
- Licensure Reciprocity argument: CLARB process works well, no need for another gov’t system
In the Spotlight:
Case Studies - Advocacy

• How to convert a lawmaker from landscape architecture opponent to supporter ... and stop a de-licensure bill
  • Virginia – Billy Almond ASLA Chapter

• Interstate Compact - playing defense
  • South Dakota – Chad Kuker
  • Missouri – Susan Maag

• Ohio – Working together on challenges
  • Amy Kobe – Ohio Board
  • Carmine Russo – ASLA Ohio Chapter
Share your story: What’s working, what’s not and what have you learned?
Questions?
Site tours for public officials

• ASLA national designated August 4, 2018 for site tours
• Save the date, plan ahead
• “How-to” resources available at ASLA Advocacy website
New Resources – Legislation Definitions

Understand the trends:
• Deregulation Bills
• Bills that create regulatory oversight bodies
• Right to Earn a Living Bills
• Interstate Compacts on Temporary Licensure

• One-sheeters available later this week at
  • ASLA website – Advocacy Tools
  • CLARB website – Board Resources
Board/Chapter Contact List

- Know your contacts in each state
- Discuss the communication tree
- Plan for regular updates
Best Practices – Board/Chapter Relations

• Regular board member attendance at chapter leadership meetings
• Regular chapter member attendance at board meetings
• Joint meetings prior to each legislative session
• Board participation at chapter annual conferences
• Joint board/chapter presentations at local universities
• State-level “president’s council” – ASLA/Board/Educators
• Licensure ceremony – celebrating the profession
• 1 hour public comment period at board meetings
• Joint/participate in strategic planning
Best Practices – Advocacy

• Develop Chapter advocacy goals and incorporate into Chapter strategic plan

• Identify key legislative and public policy officials

• Invite key policy makers to attend/present at annual meeting

• Conduct site tours of landscape architecture projects for public officials

• Hold State Advocacy Days or other legislative events

• Participate in advocacy events with allied organizations
ASLA Legislation Tracking

- Monitoring state legislation and executive actions regarding licensure
- Informing ASLA Chapter & CLARB
- ASLA > Advocate > Track Licensure Legislation
- https://www.asla.org/legmap.aspx
CLARB Legislation Tracking

- Resources to support licensure
  - Best Practices, Contact List, FAQ’s etc.

- Monitoring state legislation and executive actions regarding licensure

- CLARB.org > Access Member Board Resources > Research and Resources > Licensure Support Tools

- https://www.clarb.org/access-member-board-resources/research-resources/licensure-support-tools

- Informing state board members & ASLA....
November 2018 – Pre-Session Joint Licensure Web Summit

March (TBD) 2018 – Mid-Session Joint Licensure Web Summit

- June 22-24, 2018 – Post-Session Joint Licensure Summit
- August 4, 2018 – In-District Site Tour Day
- September 27-29 – CLARB conference Toronto
- October 19, 2018 – Presentation at ASLA conference
  - FRI-D06: Protecting the Public: Licensure is at risk and how to respond
Contact Information

• CLARB
  • Veronica Meadows
    • Senior Director of Strategy – vmeadows@clarb.org
    • Main: 571-432-0332, ext. 116  Direct: 703-949-9462
  • David Sprunt
    • CLARB Senior Licensure Defense Consultant – dsprunt@clarb.org
    • ASLA Colorado VP of Government Affairs & Advocacy  Mobile: 720-987-4185

• ASLA
  • Elizabeth Hebron
    • Director, State Government Affairs – ehebron@asla.org
    • Main: 202-898-2444  Direct: 202-216-2324
  • Bradley Rawls
    • State Government Affairs Manager – brawls@asla.org
    • Main: 202-898-2444  Direct: 202-216-2370