

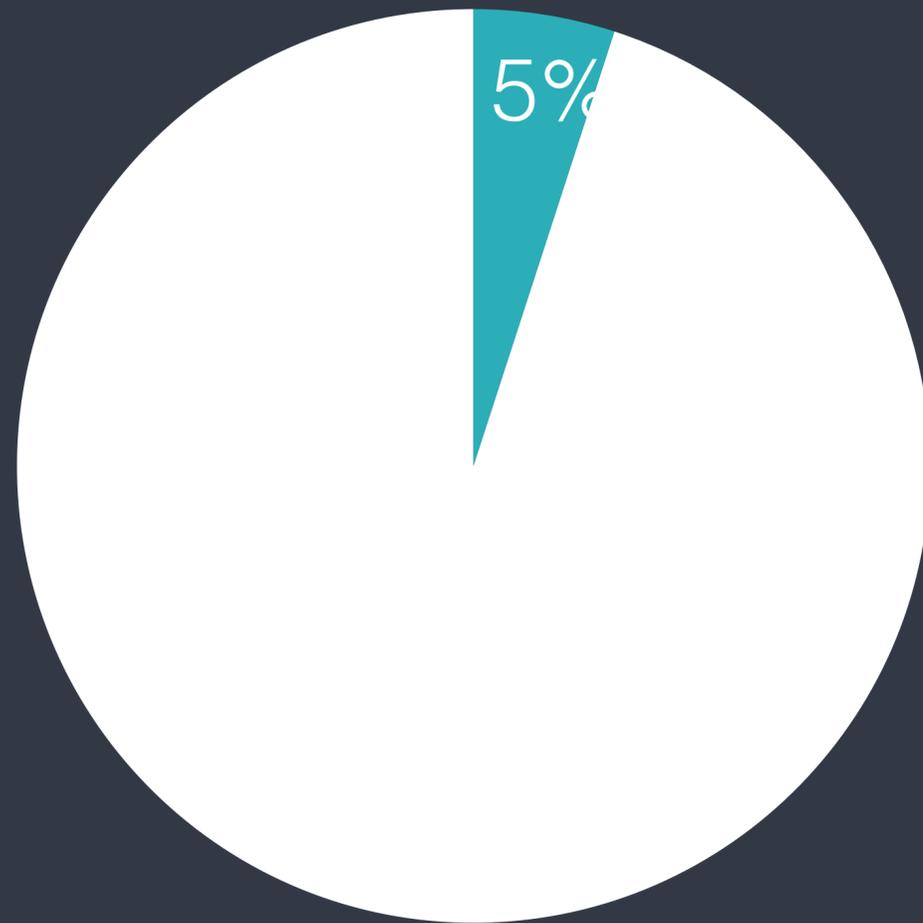
**Matthew Mitchell**  
Senior Research Fellow



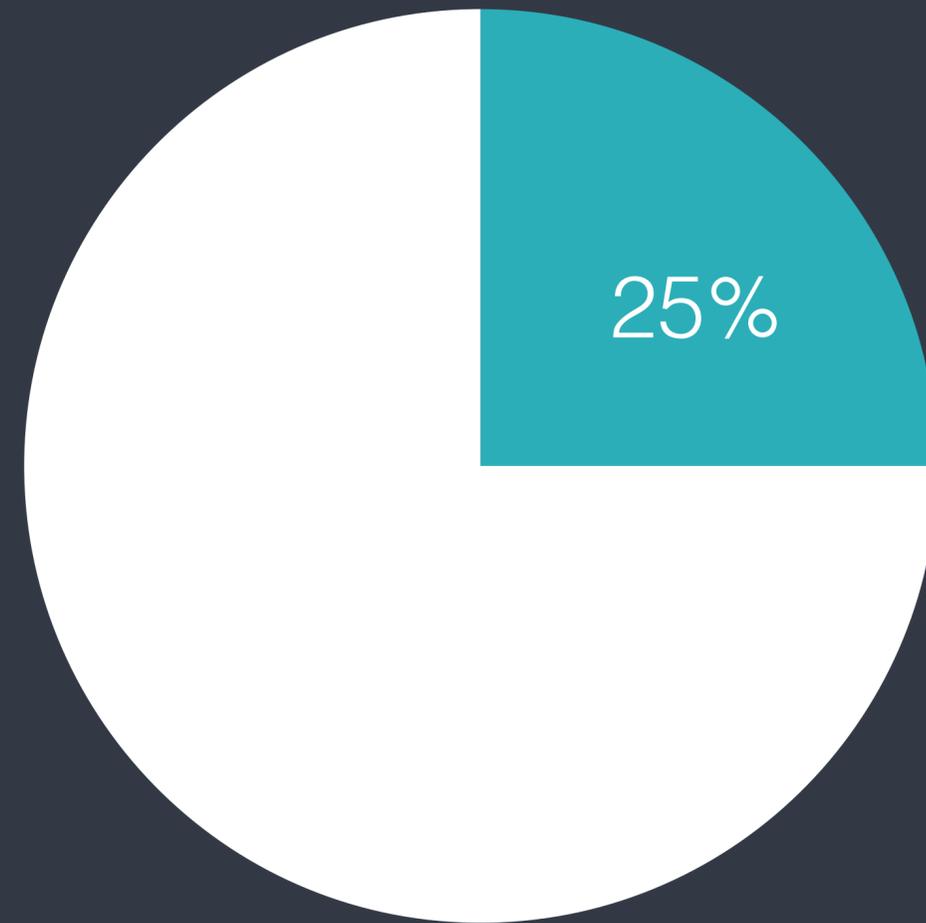
**MERCATUS CENTER**  
George Mason University

# The Economics of Occupational Licensure

# Share of Workforce Needing a License



1950



Today

# 1,100 Professions

Taxidermist Locksmith Interior design  
Painter  
Massage Therapist Cosmetologist Security guard  
Manicurist  
Hair Braiding Travel guide Bill collector  
Barber  
Farm labor Fisher Milk sampler Auctioneer  
Coach Home entertainment installer Bartender  
Massage therapist HVAC Shampooer Gaming supervisor  
Florist Landscaper Carpenter Home inspector  
Tour Guide

# 10 States Require Hair Braiding Licenses

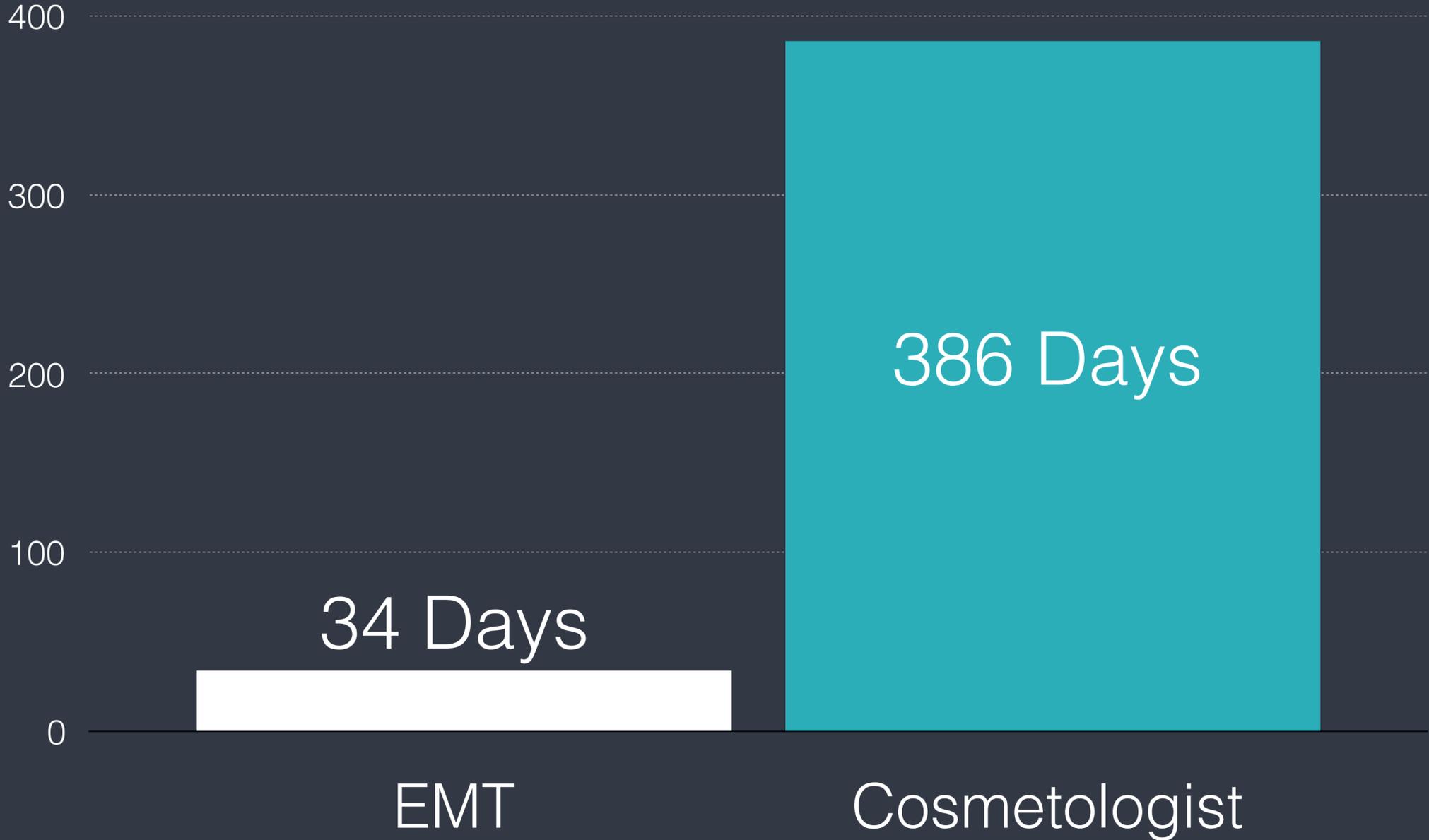




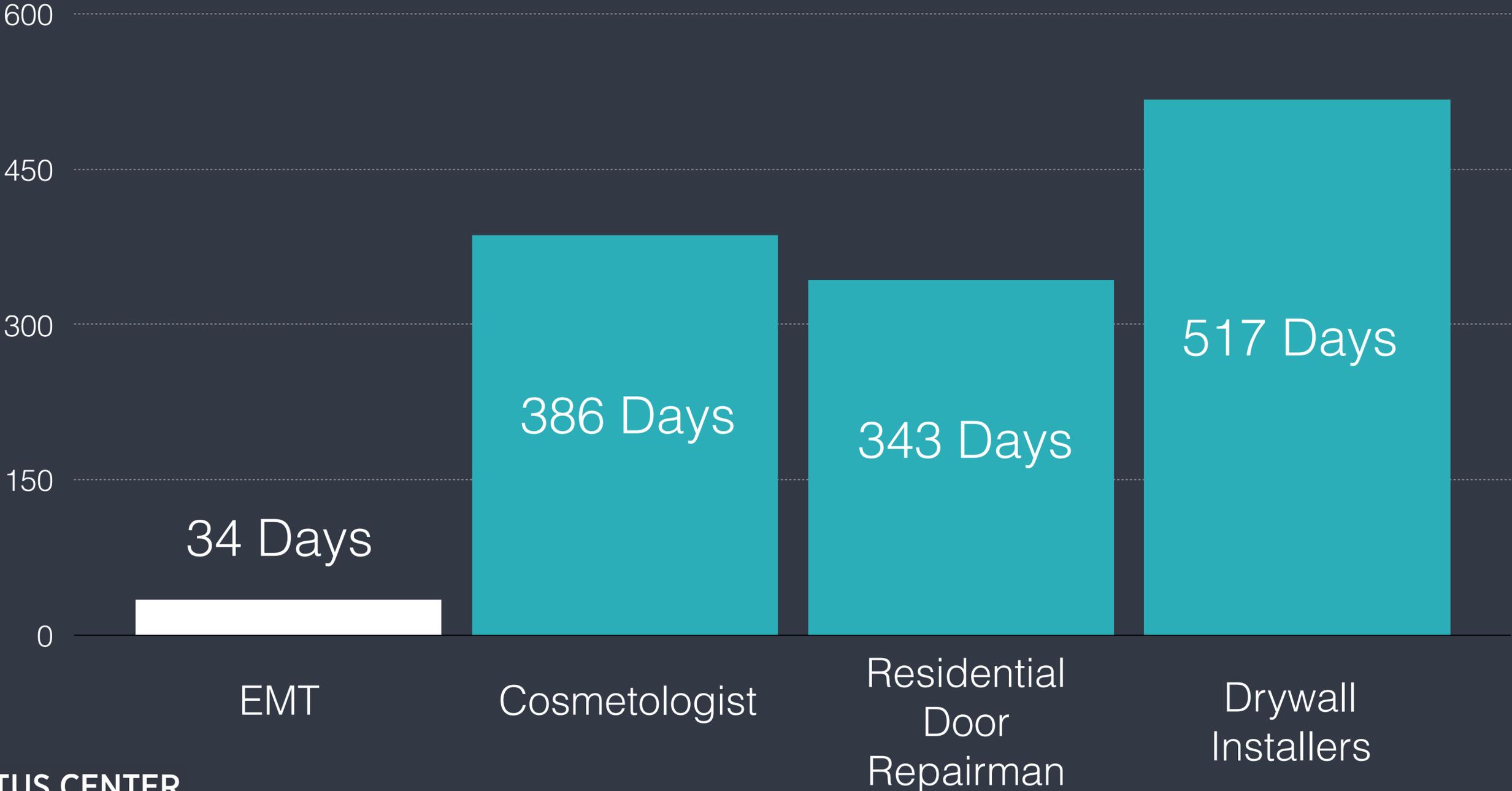
# Cosmetologist

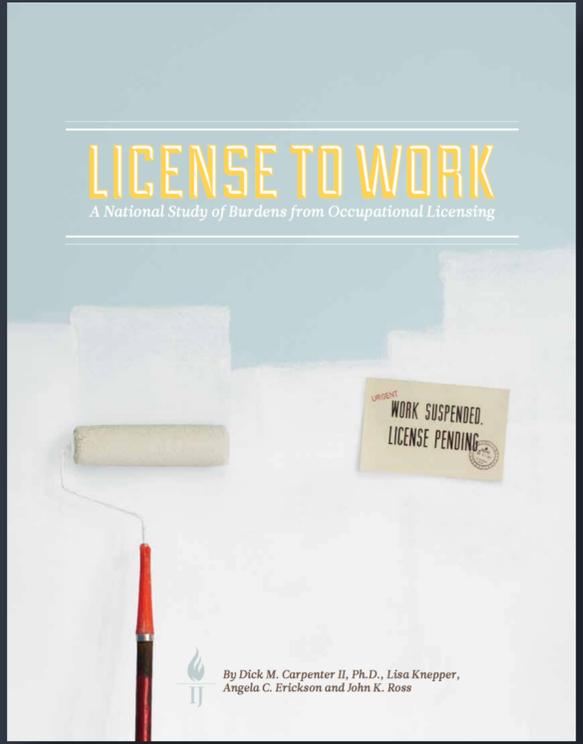
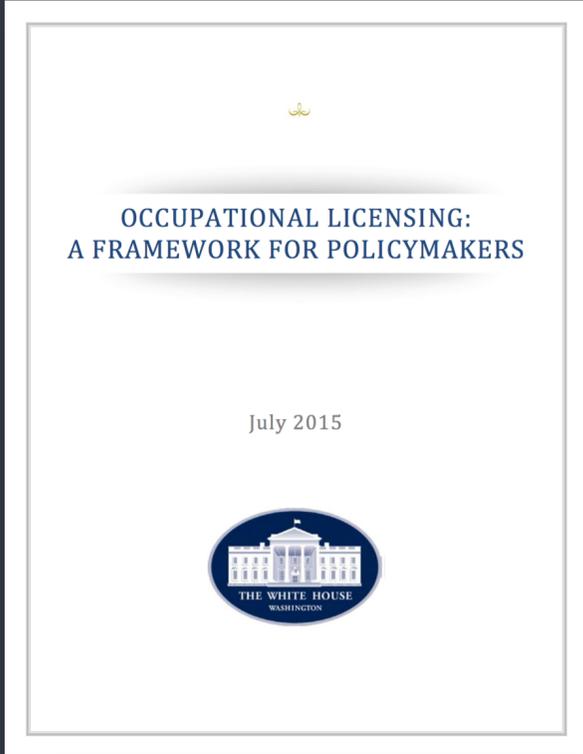
|                            |                |
|----------------------------|----------------|
| Licensed in:               | 50 states + DC |
| Average Fees:              | \$177          |
| Average number of exams:   | 2 exams        |
| Average Required Training: | 386 Days       |

# Average Required Training:



# Average Required Training:





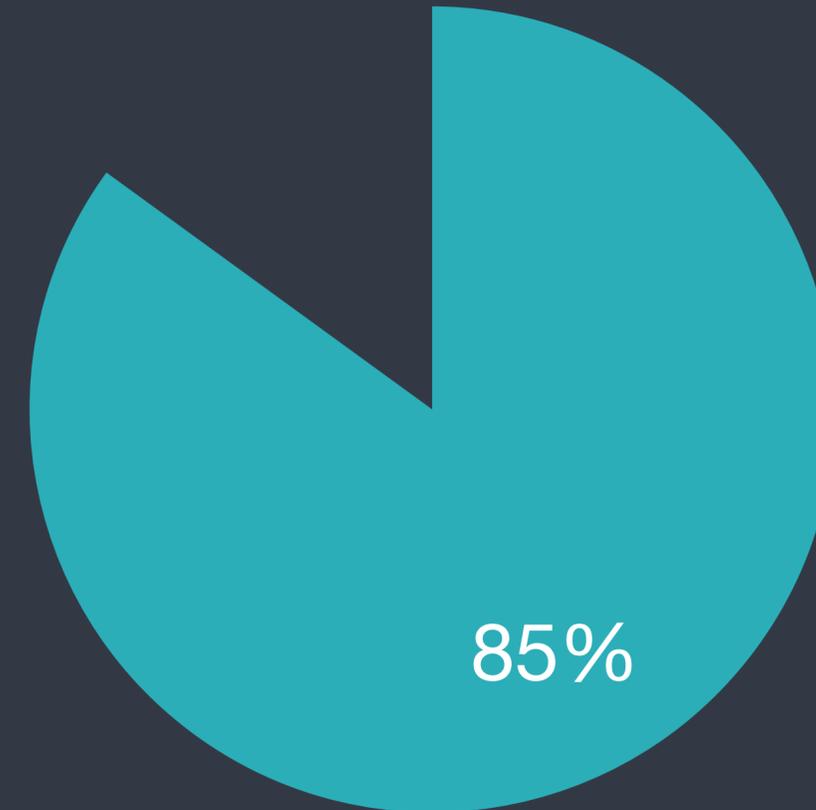
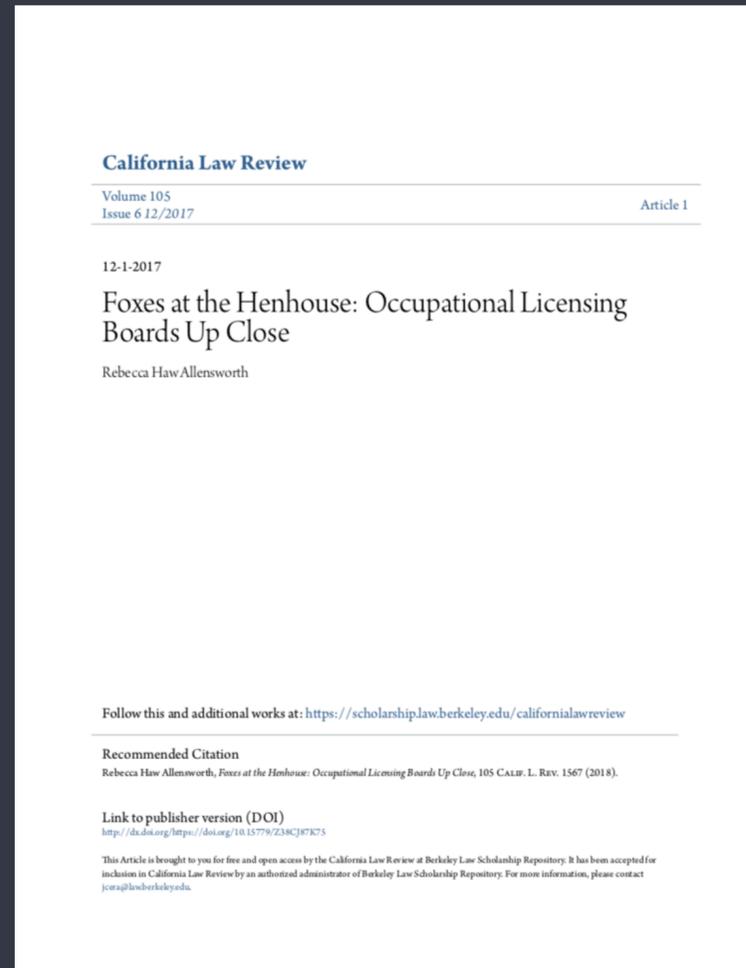
# The Effects of Licensure on Quality

A Quality  
Gate

A Limit on  
Competition

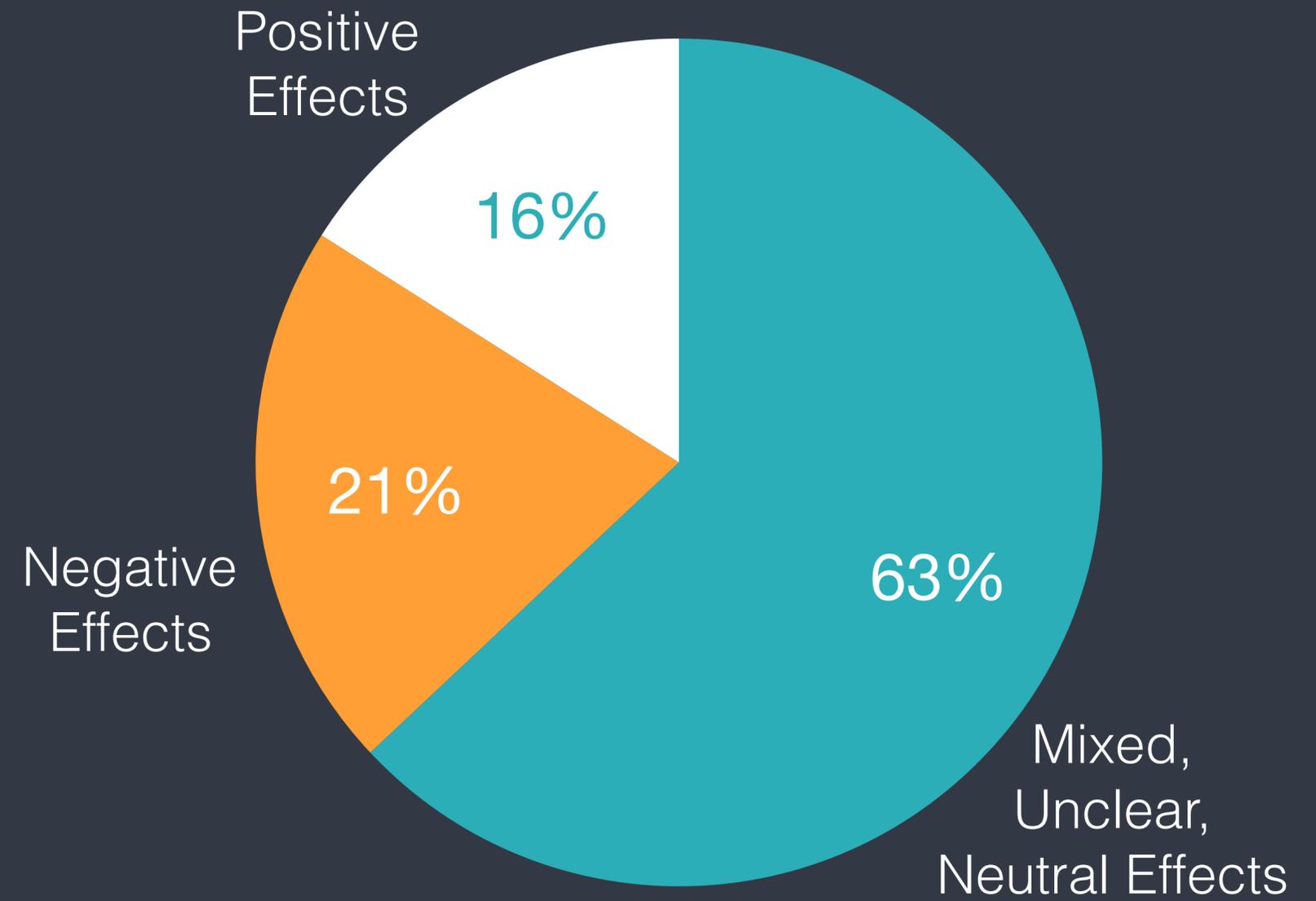


# The Effects of Licensure on Quality

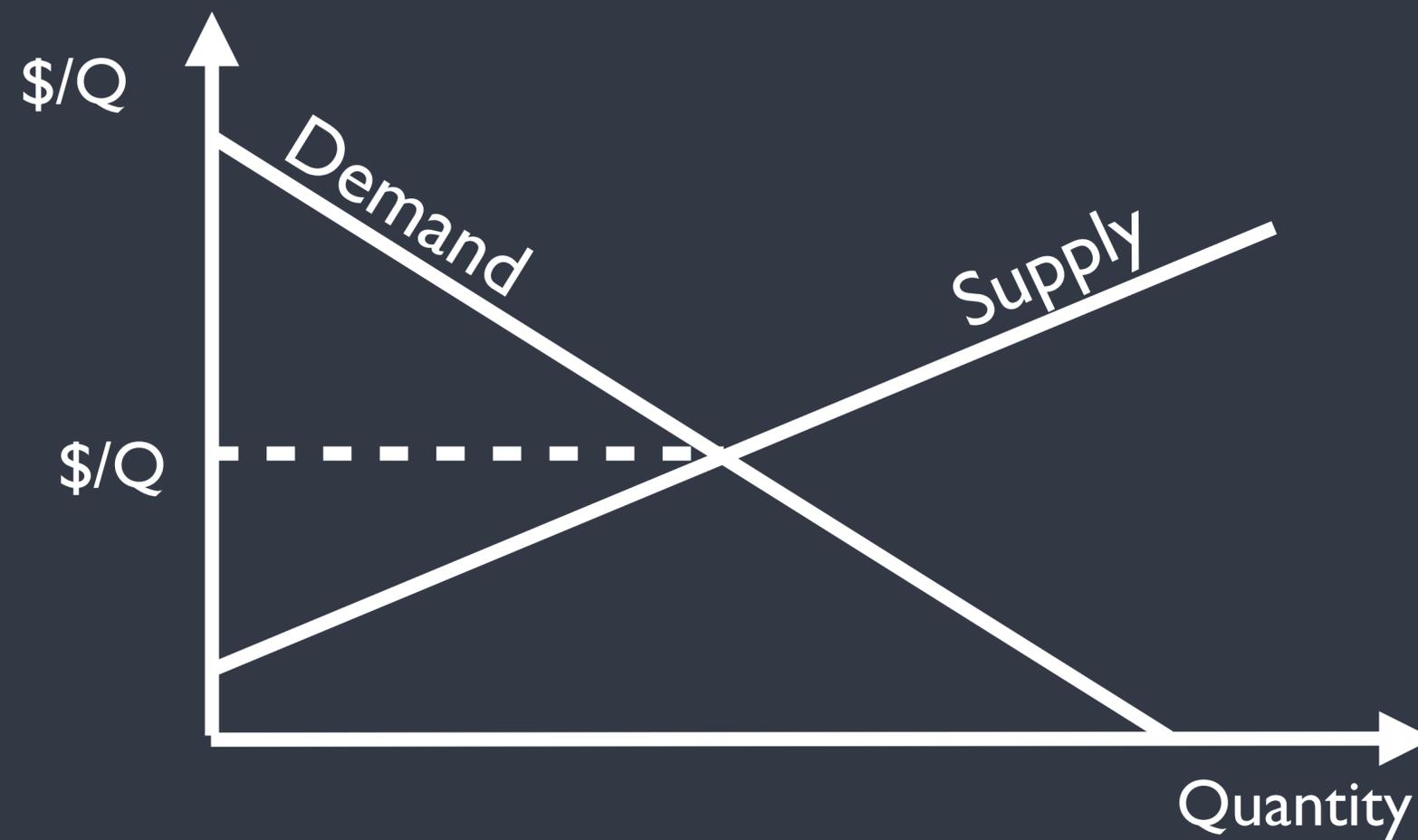


Share of Boards Dominated by the Professions they Oversee

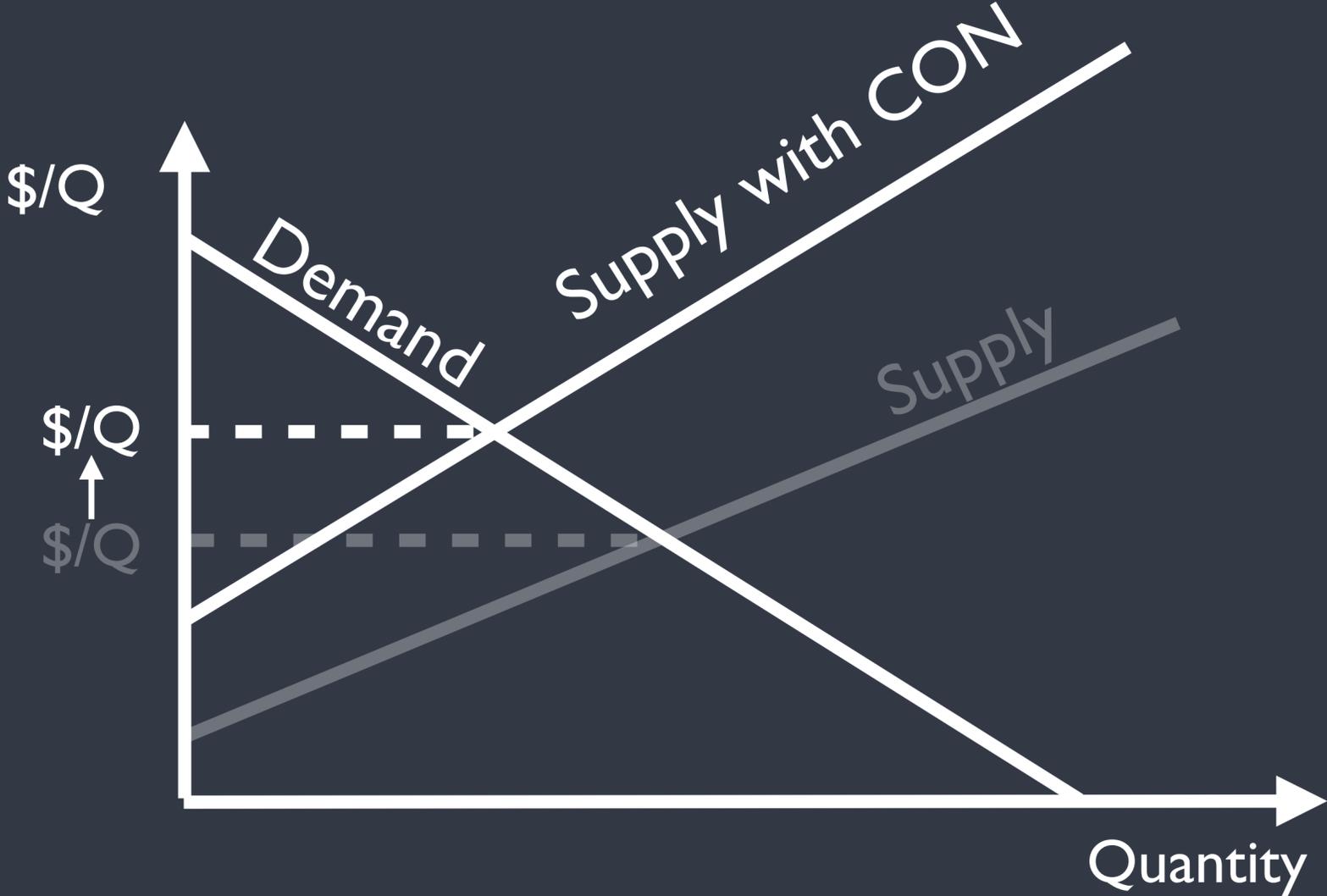
# The Effects of Licensure on Quality



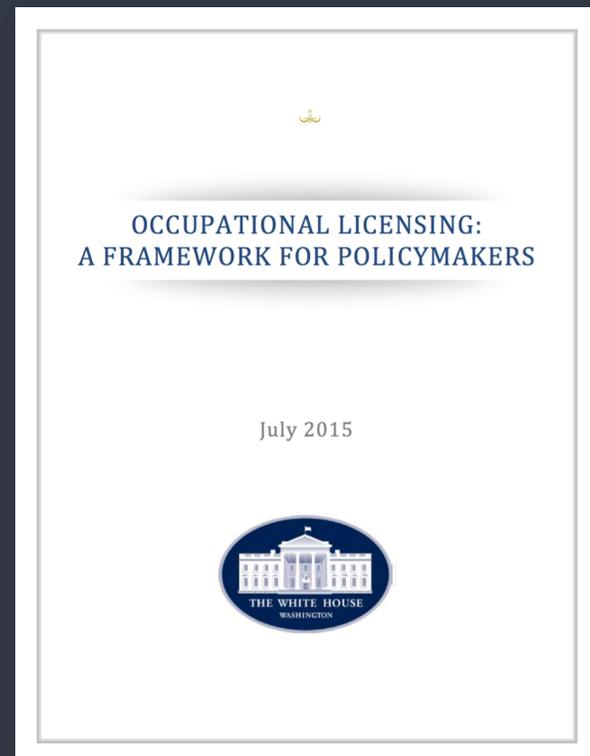
# The Effects of Licensure on Price



# The Effects of Licensure on Price



# The Effects of Licensure on Price



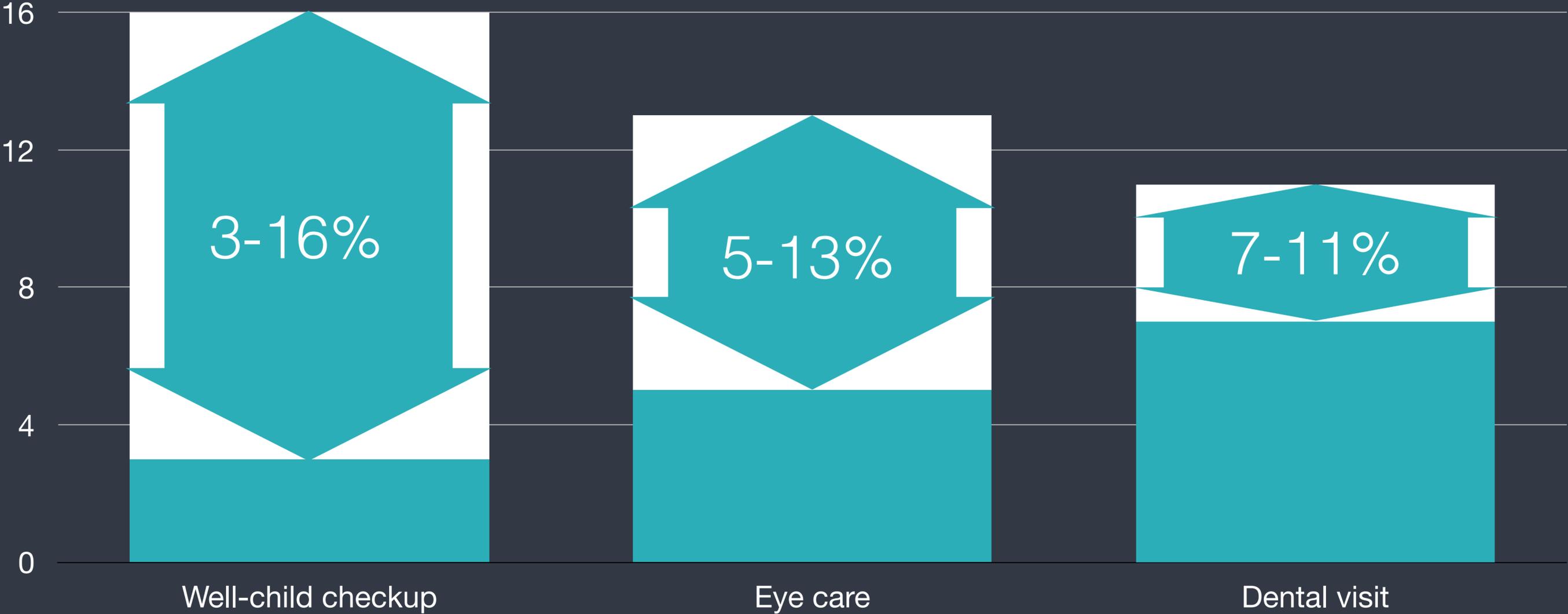
“The evidence on licensing’s effects on prices is unequivocal: many studies find that more restrictive licensing laws lead to higher prices for consumers.”

# The Effects of Licensure on Price



19/19 Studies: Licensure  
Raises Consumer Prices

# The Effects of Licensure on Price

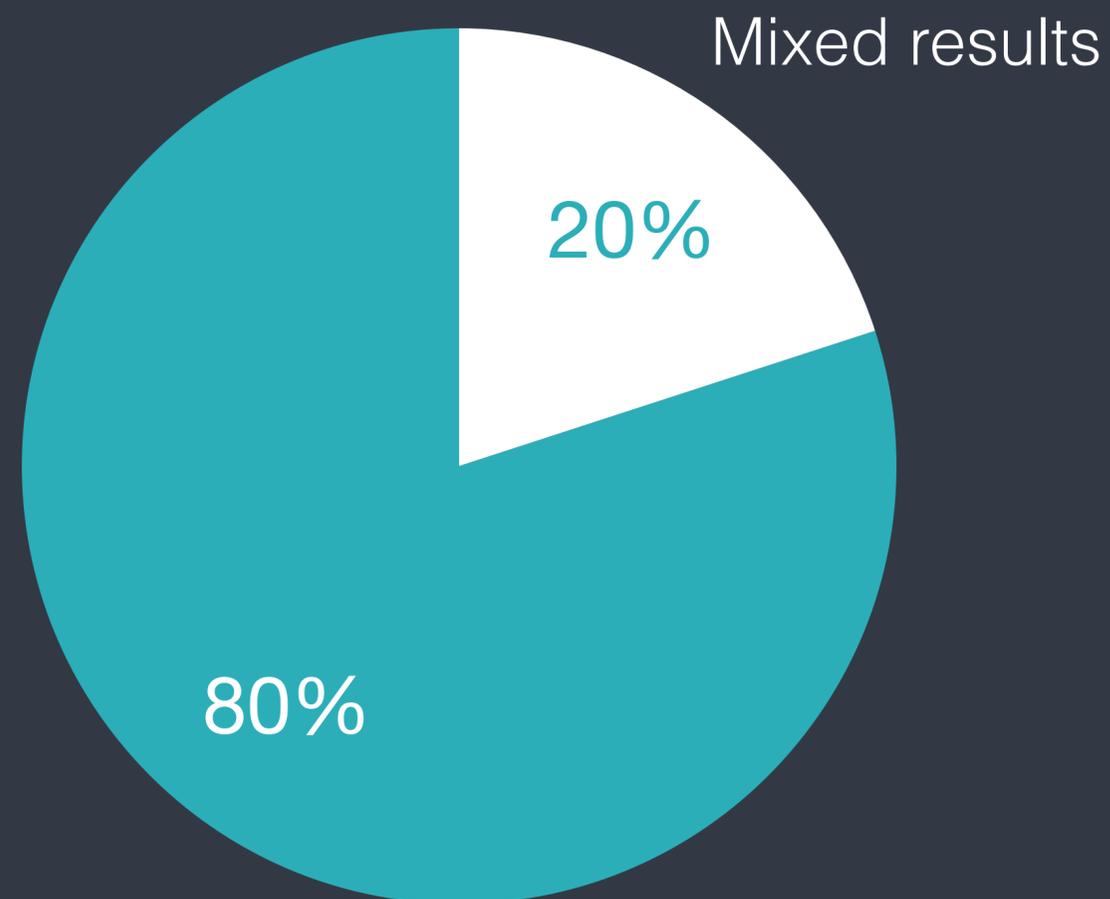


# The Disparate Impact Licensure



Disproportionate harm on minorities, immigrants, ESL, people with prior convictions, military spouses

# The Disparate Impact Licensure



Studies finding a disparate impact on racial minorities

# The Concentrated Benefits and Diffuse Costs of Licensure



Consumers and  
would-be  
competitors



Incumbent  
providers

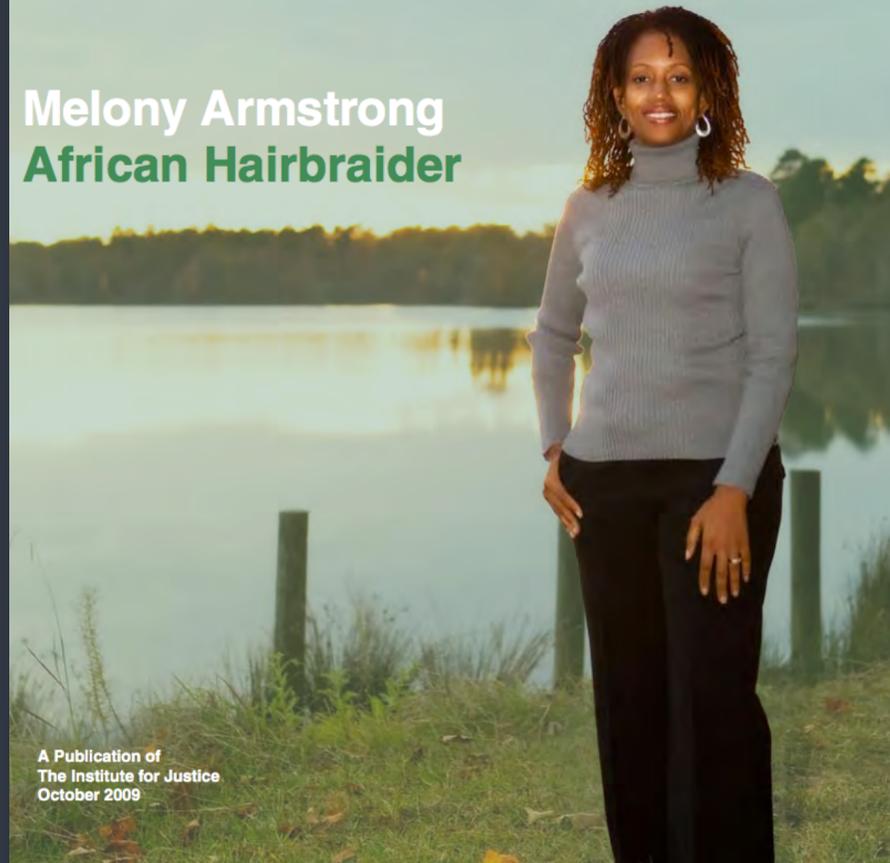
# The Concentrated Benefits and Diffuse Costs of Licensure





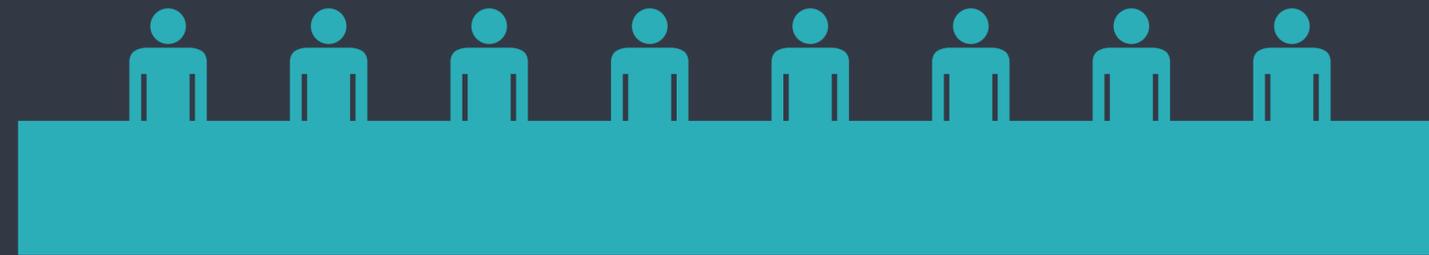
# The Power of One Entrepreneur

Melony Armstrong  
African Hairbraider



A Publication of  
The Institute for Justice  
October 2009

# An Independent Commission



# Requiring Least-Restrictive Means

1. Market competition
2. Third-party or consumer-created ratings and reviews
3. Private certification
4. Specific private civil cause of action to remedy consumer harms
5. Deceptive trade practices under the Uniform Deceptive Trade Practices Act
6. Mandatory disclosure of attributes of the specific goods or services
7. Regulation of the process of providing the specific goods or services to consumers
8. Inspection
9. Bonding or insurance
10. Registration
11. Government certification
12. Occupational licensure

# Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right....”

# Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living....”

# Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living.... Any person may file an action in a court of general jurisdiction to challenge an occupational regulation....”

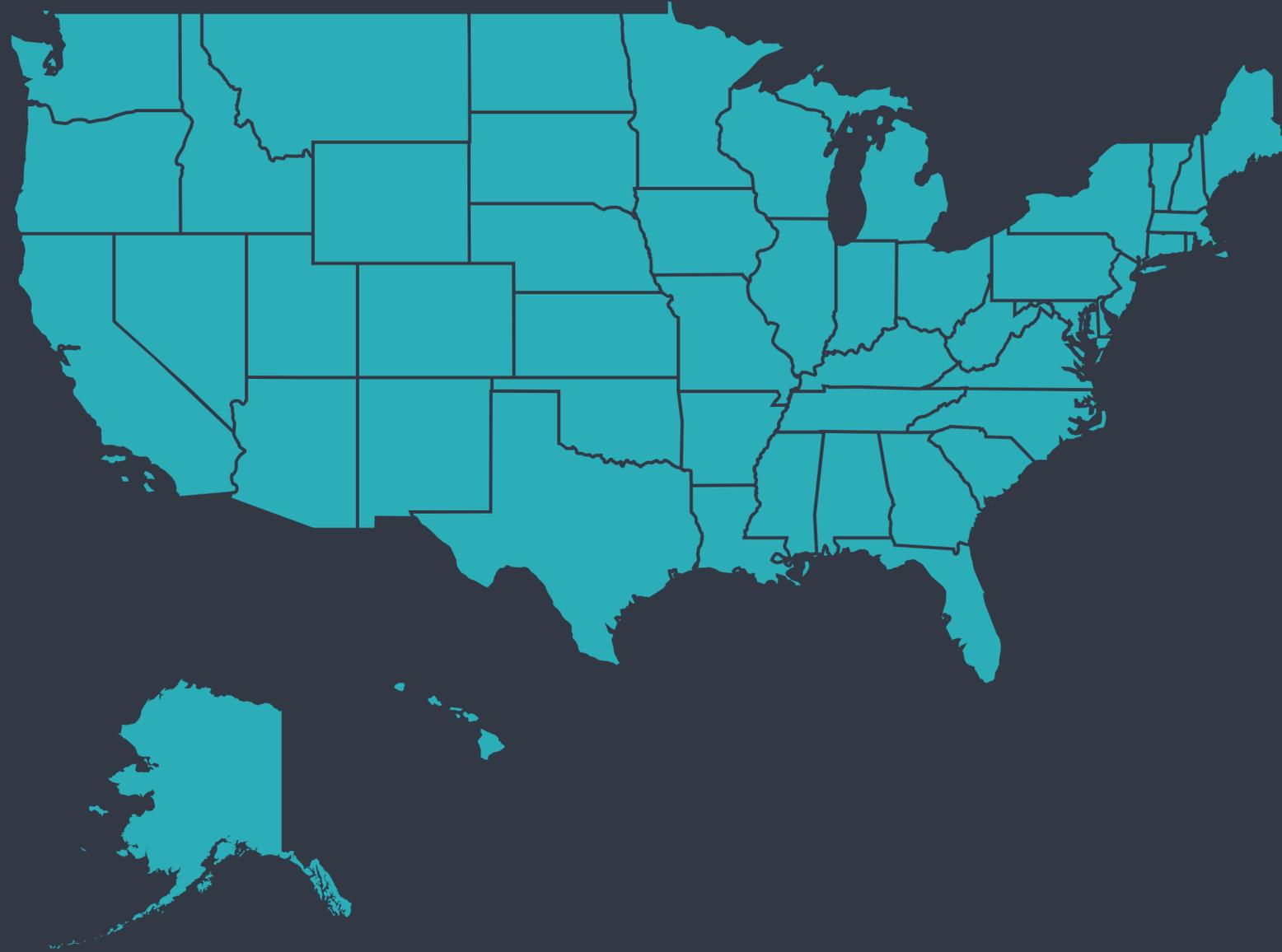
# Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living.... Any person may file an action in a court of general jurisdiction to challenge an occupational regulation.... **The agency must demonstrate regulation is necessary to specifically fulfill a public health or safety concern....**”

# Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living.... Any person may file an action in a court of general jurisdiction to challenge an occupational regulation.... The agency must demonstrate regulation is necessary to specifically fulfill a public health or safety concern.... **This concern may not include the protection of existing businesses.**”

# Universal Reciprocity





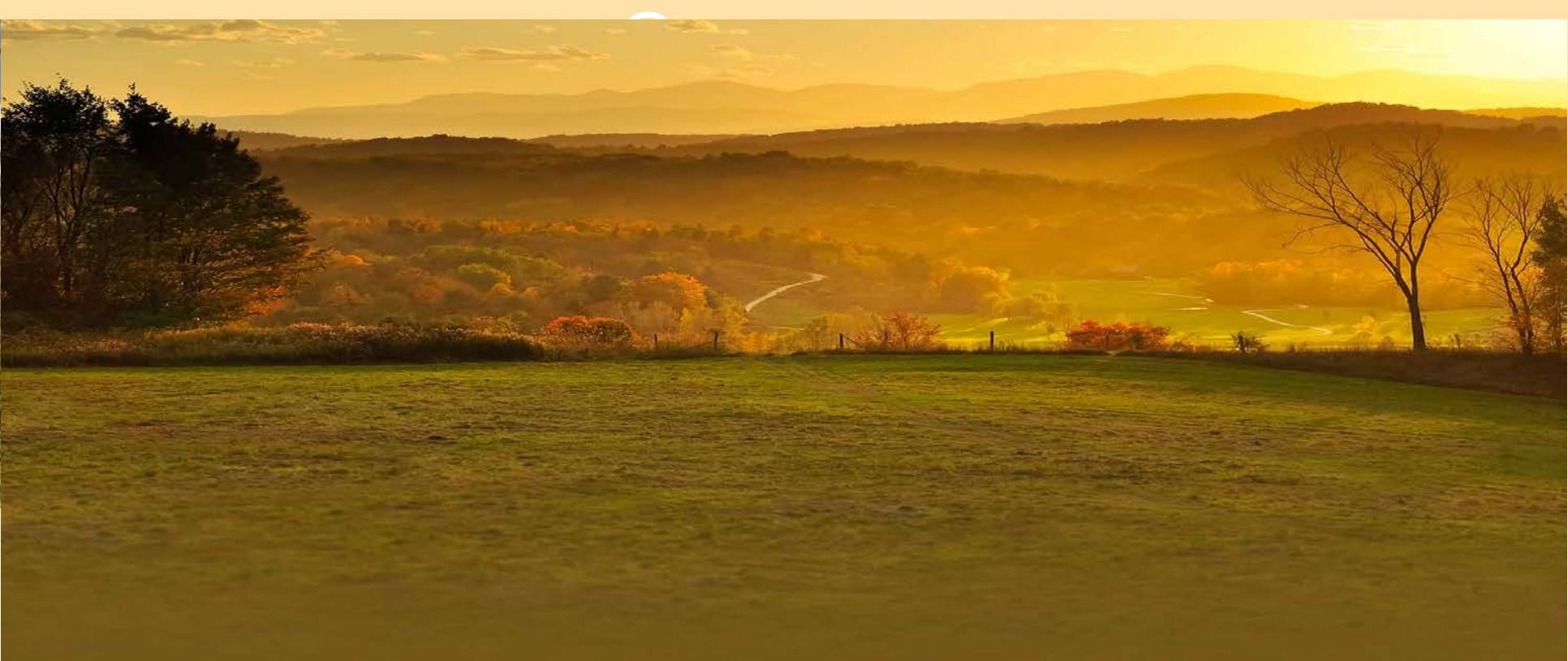
**Matthew Mitchell**  
Senior Research Fellow



[MMitchell@mercatus.gmu.edu](mailto:MMitchell@mercatus.gmu.edu)

# The Economics of Occupational Licensure

# Vermont Professional Regulation Sunrise and



Deputy Secretary of State Chris Winters

# Vermont Professional Regulation Sunrise and



# Vermont Professional Regulation Sunrise and



Vermont sunrise in February

# Professional Regulation – Unify. Streamline. Focus.

## What Are Sunrise and Sunset?

### ESSENTIAL GOOD GOVERNMENT TOOLS

- **Sunrise** - is it really needed to protect the public? Reviewing the need BEFORE creating new regulation
- **Sunset** - is it still needed? Is it working? Making sure to review the effectiveness of a regulation AFTER it has been enacted

# Professional Regulation – Unify. Streamline. Focus.

## History of the Office of Professional Regulation (OPR)

- Created as an “umbrella agency” in 1989 for efficiency in professional licensing
- Professions were scattered, siloed, independent, and unaccountable
- Consolidation under one roof made sense for many reasons

# Professional Regulation – Unify. Streamline. Focus.

## Creation of OPR resulted in:

- Savings through the enhanced productivity of shared resources (staff, space, legal services, IT)
- Efficiencies and consistency through the implementation of best practices
- Less red tape and more confidence for the regulated community due to consistent, legal and predictable approaches to regulation
- Better public protection and customer service through more efficient processing, increased transparency, and co-location of similar services creating ease of access for the public

# Professional Regulation – Unify. Streamline. Focus.

## The OPR Mission – Public Protection

**Licensing:** Ensure minimum competency standards to practice

**Enforcement:** Hold those that commit unprofessional conduct accountable

**Adjudication:** Afford due process when denying a license or sanctioning a licensee for unprofessional conduct

# Professional Regulation – Unify. Streamline. Focus.

## Smart Government Approach

- Umbrella Structure
- **Sunrise Review**
- Veto Power
- **Regulatory Review (Sunset)**

Professional Regulation – Unify.  
Streamline. Focus.

**VT Sunrise Review Created in 1977**



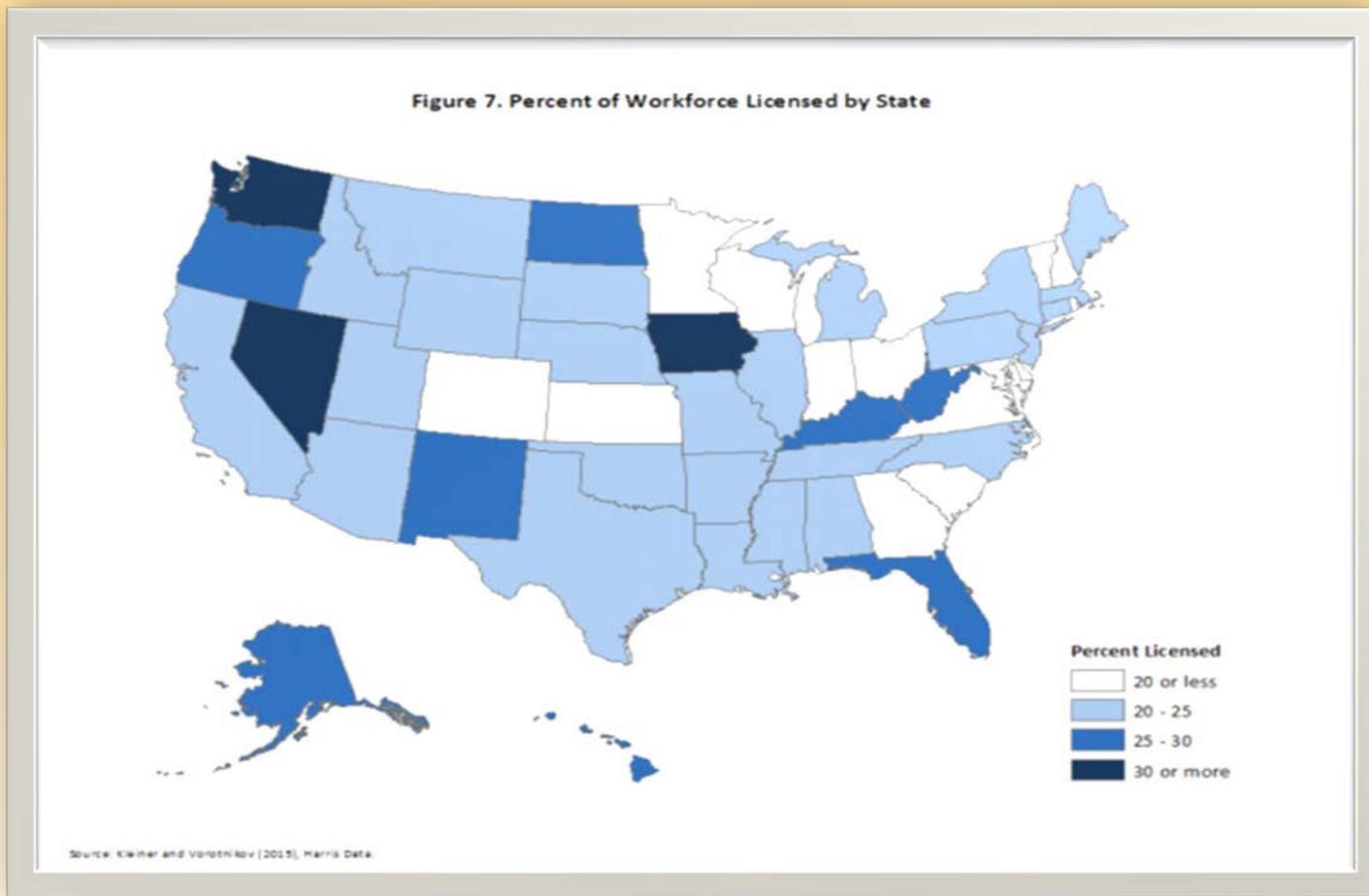
# Professional Regulation – Unify. Streamline. Focus.

## History of Sunrise in Vermont:

- Created in 1977, among the first in the nation
- Prior to the creation of OPR (umbrella)
- Review was in the hands of the legislative council and was rarely used. They did not have the time or expertise
- OPR was created in 1989 and was given the power of sunrise review for all new professions

# Professional Regulation – Unify. Streamline. Focus.

Vermont - 16.8 % of professions regulated



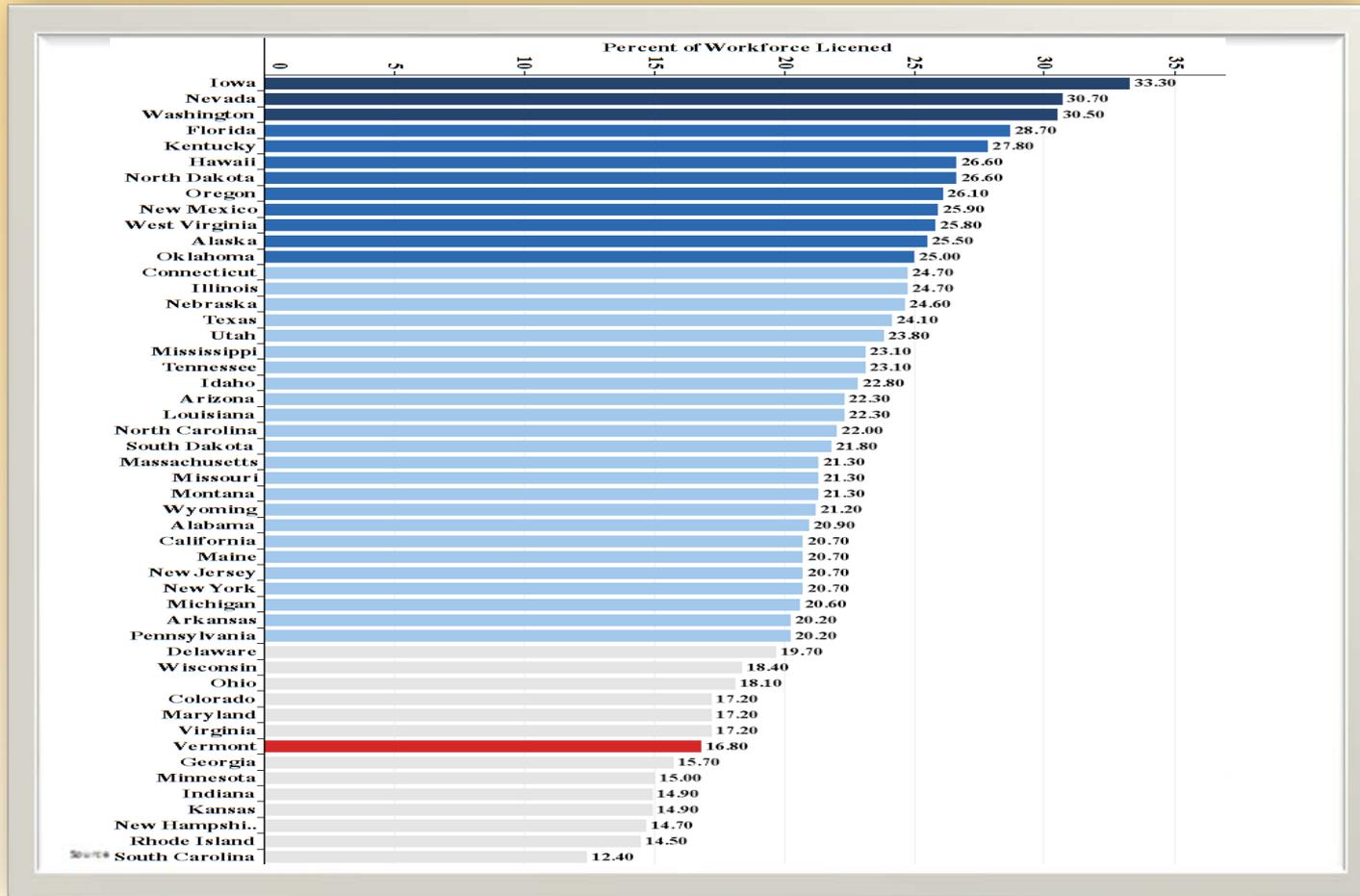
2015



Secretary of State's Office

# Professional Regulation – Unify. Streamline. Focus.

16.8 % of professions regulated



2015



Secretary of State's Office

# Professional Regulation – Unify. Streamline. Focus.

## Sunrise in other states:

- Approximately 15 states
- Practices differ:
  - reviews done by legislative committees, executive offices, special boards or councils
  - detailed procedures versus broad authority guided by criteria
- Focused on public protection and cost/benefit analysis



# Professional Regulation – Unify. Streamline. Focus.

## Why Sunrise?

"If you find yourself

**In a hole**

The first thing to do

**Is STOP digging."**



– Will Rogers



Secretary of State's Office

# Professional Regulation – Unify. Streamline. Focus.

## VT Sunrise laws (26 V.S.A. § 3101)

It is the policy of the state of Vermont that regulation be imposed upon a profession or occupation **solely for the purpose of protecting the public**. The legislature believes that all individuals should be permitted to enter into a profession or occupation unless there is a **demonstrated need for the state to protect the interests of the public** by restricting entry into the profession or occupation. If such a need is identified, the form of regulation adopted by the state shall be **the least restrictive form of regulation necessary to protect the public interest**.

# Professional Regulation – Unify. Streamline. Focus.

## VT Sunrise laws (26 V.S.A. § 3105)

### Criteria and standards

(a) A profession or occupation shall be regulated by the State only when:

- (1) it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is recognizable and not remote or speculative;
- (2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
- (3) the public cannot be effectively protected by other means.

# Professional Regulation – Unify. Streamline. Focus.

## VT Sunrise Reviews

- A gatekeeper; the ability to slow down and do the analysis
- If it's not about public protection...don't do it!
- Based on facts and evidence, not emotion, marketplace, pride, or insurance reimbursement
- About the public interest, not special interests
- Empower legislators to defer – avoid the fight

# Professional Regulation – Unify. Streamline. Focus.

## Sunrise Process

- Apply by July 1
- Legislature may request review
- Petitioner application with the specific info required
- Review by staff attorney
- Research, outreach, public hearings, public comment
- Recommendation to Legislature by January 1
- Ultimately up to the Legislature to decide

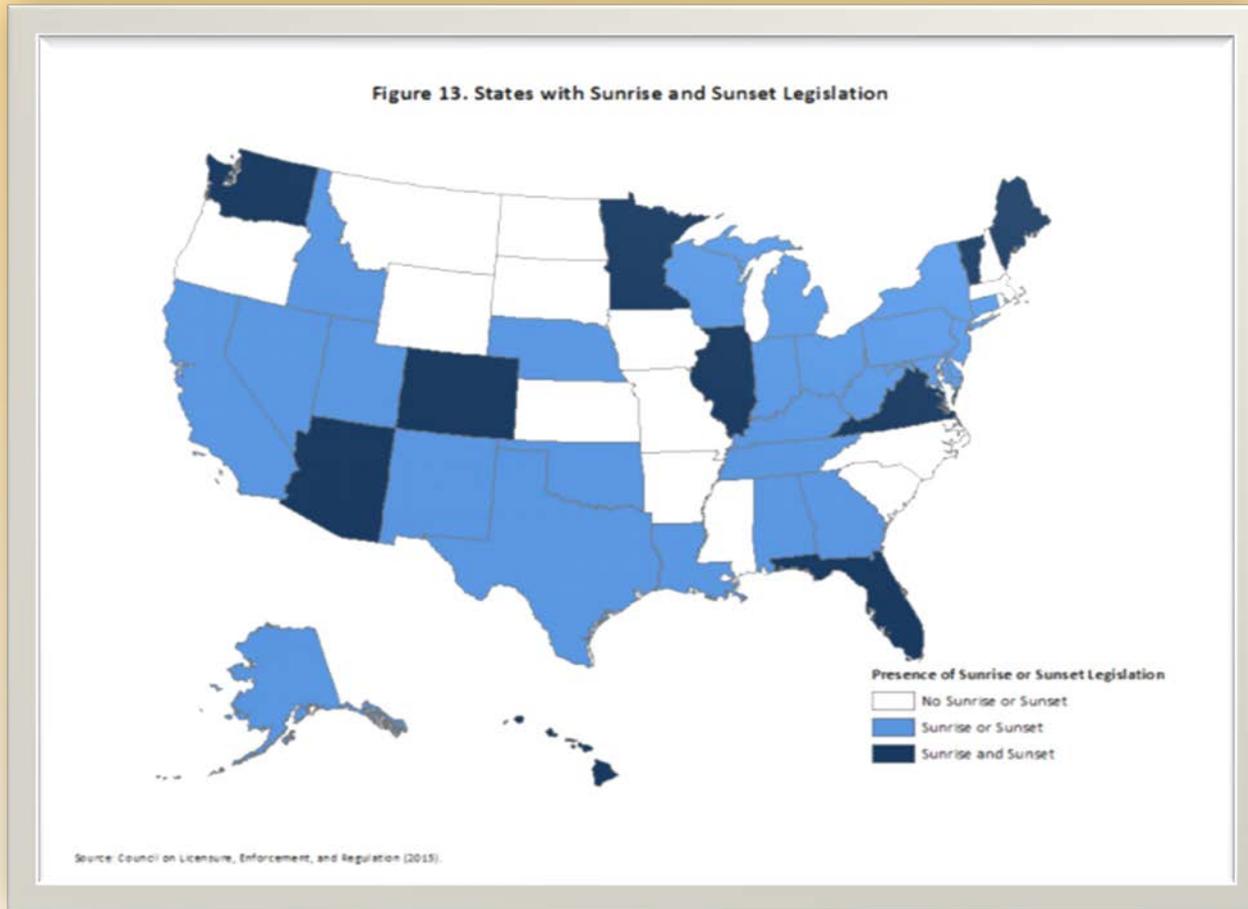
# Professional Regulation – Unify. Streamline. Focus.

## Recent licensing discussions:

- Massage Therapists
- Precious Metal Dealers
- Foresters / Loggers
- Speech Language Pathology Assistants
- Dental Therapists
- Home Inspectors
- Behavior Analysts and Assistants
- Home improvement contractors
- Art Therapists
- Home Alarm Installers
- Dog Walkers

# Professional Regulation – Unify. Streamline. Focus.

## Sunset Provisions



2015



Secretary of State's Office

# Professional Regulation – Unify. Streamline. Focus.

## Why Sunset?



# Professional Regulation – Unify. Streamline. Focus.

## VT Regulatory Review Sunset laws (added in 2015)

### Questioning the need for regulation.

If regulation is imposed, the profession or occupation may be subject to review by the Office of Professional Regulation and the General Assembly **to ensure the continuing need for and appropriateness of such regulation.**

- 9 review factors - effectiveness & consistency - original intent

# Professional Regulation – Unify. Streamline. Focus.

## Sunset (9 Review Factors)

- (1) the extent to which a regulatory entity's actions have been **in the public interest and consistent with legislative intent**;
- (2) the extent to which the profession's historical performance, including the actual history of complaints and disciplinary actions in Vermont, indicates that the **costs of regulation are justified by the realized benefits to the public**;
- (3) the extent to which the **scope** of the existing regulatory scheme for the profession is **commensurate to the risk of harm to the public**;

# Professional Regulation – Unify. Streamline. Focus.

## Sunset (9 Review Factors)

(4) the extent to which the profession's **education, training, and examination requirements** for a license or certification are **consistent with the public interest**;

(5) the extent to which a regulatory entity's **resolutions of complaints and disciplinary actions** have been **effective to protect the public**;

(6) the extent to which a regulatory entity has **sought ideas from the public** and from those it regulates, concerning reasonable ways to improve the service of the entity and the profession or occupation regulated;

# Professional Regulation – Unify. Streamline. Focus.

## Sunset (9 Review Factors)

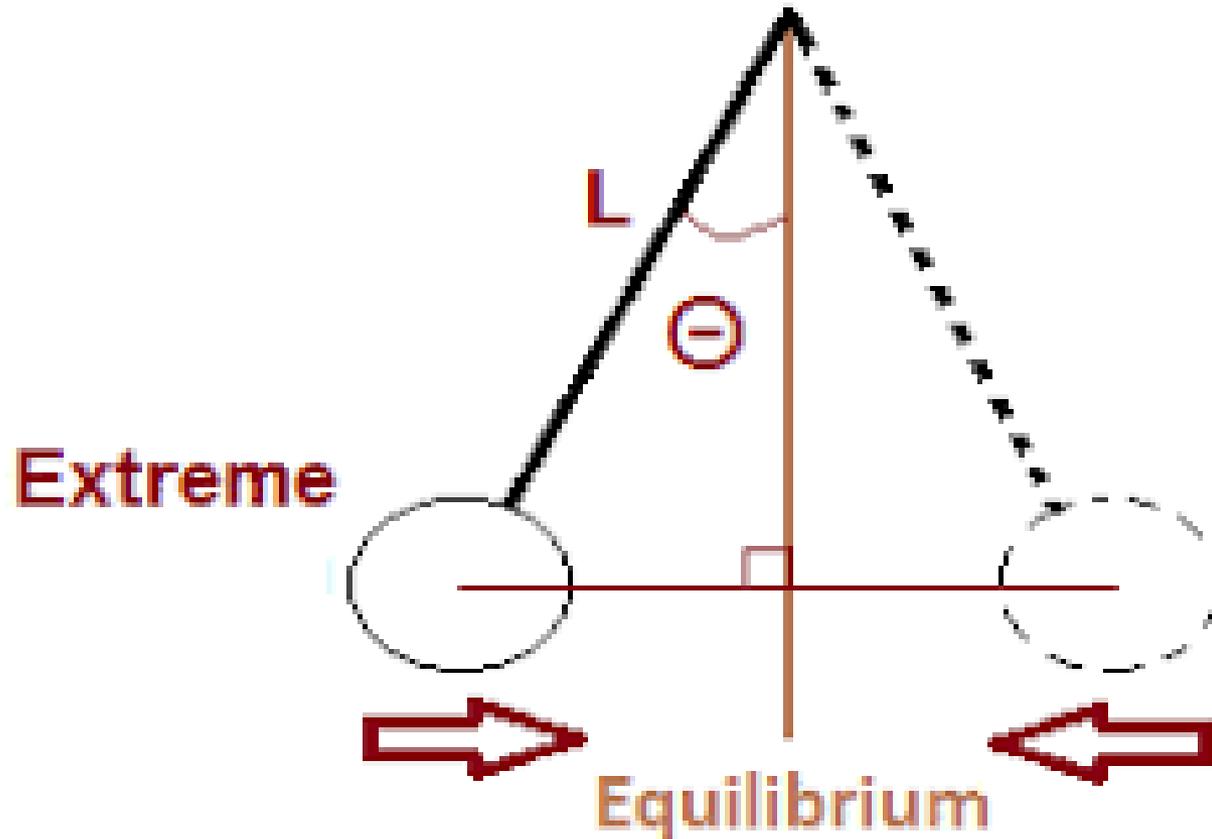
(7) the extent to which a regulatory entity gives adequate public notice of its hearings and meetings and **encourages public participation**;

(8) whether a regulatory entity makes **efficient and effective use of its funds** and **meets its responsibilities**; and

(9) whether a regulatory entity has **sufficient funding** to carry out its mandate.

# Vermont Professional Regulation Sunrise and

Support



# Professional Regulation – Unify. Streamline. Focus.

## Sunset Review Process

- Initiated by OPR
- Notice to the public, regulatory entity and associations, seeking comments
- Report to the Legislature and the regulatory entity on:
  - findings
  - alternative courses of action
  - recommendations; and
  - appropriate legislative proposals

# Professional Regulation – Unify. Streamline. Focus.

## Sunset Review Process – Other states

- Some states do this really well (TX, CO) and have:
  - Stronger legislative authority
  - Mandatory reviews
  - Statutory timeframes
  - Strong fiscal analysis (including an economist)
  - Like sunrise, it can reside in legislative or executive branch
- VT: LADC review success story

# Vermont Professional Regulation Sunrise and



Professional Regulation – Unify.  
Streamline. Focus.

**THANK YOU!**

**Please contact me with any questions.**

**Chris Winters**

**Vermont Deputy Secretary of State**

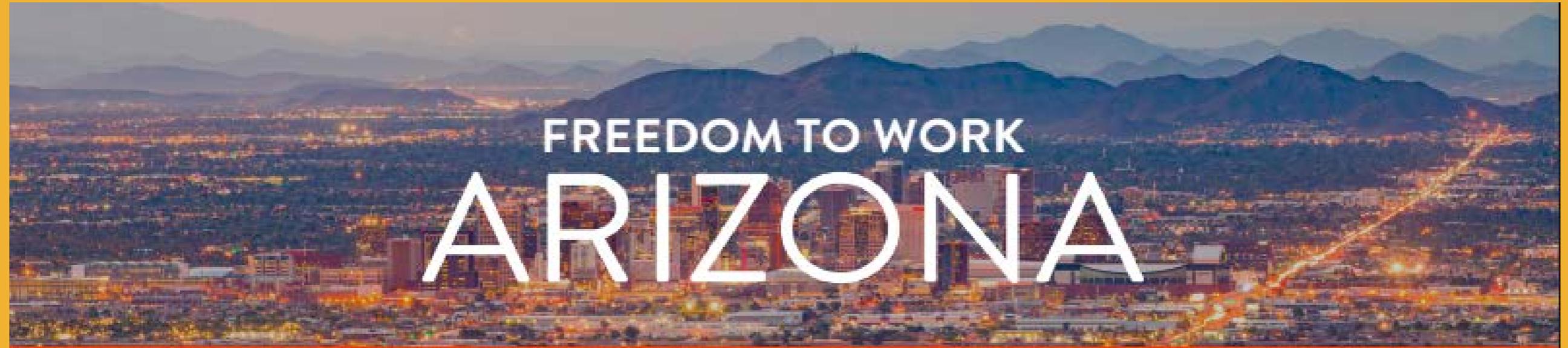
**[www.sec.state.vt.us](http://www.sec.state.vt.us)**

**802-828-2124**

**[chris.winters@sec.state.vt.us](mailto:chris.winters@sec.state.vt.us)**



Secretary of State's Office



**HB2569:**

**UNIVERSAL RECOGNITION OF  
OCCUPATIONAL AND PROFESSIONAL  
LICENSES**



**OFFICE OF THE GOVERNOR  
DOUG DUCEY**

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## RECENT ARIZONA REFORMS INCLUDE:

- ▶ Passing Blow Dry Freedom bill
- ▶ Expanding availability of temporary occupational licenses
- ▶ Developing apprenticeships for cosmetology and barbers
- ▶ Allowing applicants with criminal backgrounds to petition boards in advance of education or training
- ▶ Waiving initial occupational licensing fees for applicants below 200% of the federal poverty level
- ▶ Eliminating or reducing unnecessary licensing requirements for select occupations
- ▶ Banning taxpayer funded lobbyists for state agencies and boards/commissions

---

## UNIVERSAL RECOGNITION REQUIREMENTS:

- ▶ Establish residency in Arizona
- ▶ Licensed for at least ONE year in another state at the same practice level as recognized in Arizona
- ▶ Completed all education, experience and testing requirements for licensure in original state
  - ▶ Arizona regulating entity may require test on state laws
- ▶ In good standing in all states where licensed
- ▶ No disqualifying criminal history
- ▶ Pay applicable fees to Arizona regulating entity

---

# WHO BENEFITS?

- ▶ Accountants
- ▶ Barbers
- ▶ Behavioral Health Professionals
- ▶ Chiropractors
- ▶ Cosmetologists
- ▶ Dentists
- ▶ Engineers
- ▶ Real Estate Agents
- ▶ Pharmacists
- ▶ Physicians
- ▶ Respiratory Therapists
- ▶ Veterinarians
- ▶ And more...

*“If people want to work, let’s let them work!”*

- Governor Ducey in the 2019 State of the State



---

# PROTECTING PUBLIC SAFETY

- ▶ Arizona regulating entities must confirm applicants under universal recognition are in good standing in all states where they are licensed.
- ▶ Applicants are still required to go through criminal background check.
- ▶ Professionals can only become licensed in areas they have been trained in and certified to practice in their original state.



---

# EMILY RAJAKOVICH

DIRECTOR, BOARDS AND COMMISSIONS  
POLICY ADVISOR, REGULATORY AFFAIRS

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OFFICE OF THE GOVERNOR  
**DOUG DUCEY**

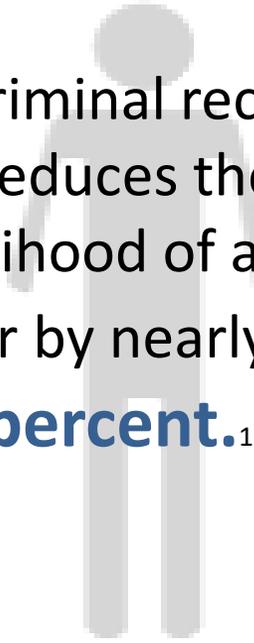
**OCCUPATIONAL LICENSING**  
ASSESSING STATE POLICY AND PRACTICE



**Barriers to Work:**  
Improving Employment in Licensed Occupations  
for Individuals with Criminal Records



# Criminal records create barriers that impact employment for individuals and communities.



A criminal record reduces the likelihood of a job offer by nearly **50 percent**.<sup>1</sup>



In 2014, employment barriers associated with a felony (including licensing barriers) produced a loss of about **1.7 million workers**.<sup>3</sup>



The U.S. economy loses about **\$87 billion** in annual GDP when people with records can't work.<sup>2</sup>

1. Pager, Devah, *Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men* (2009)

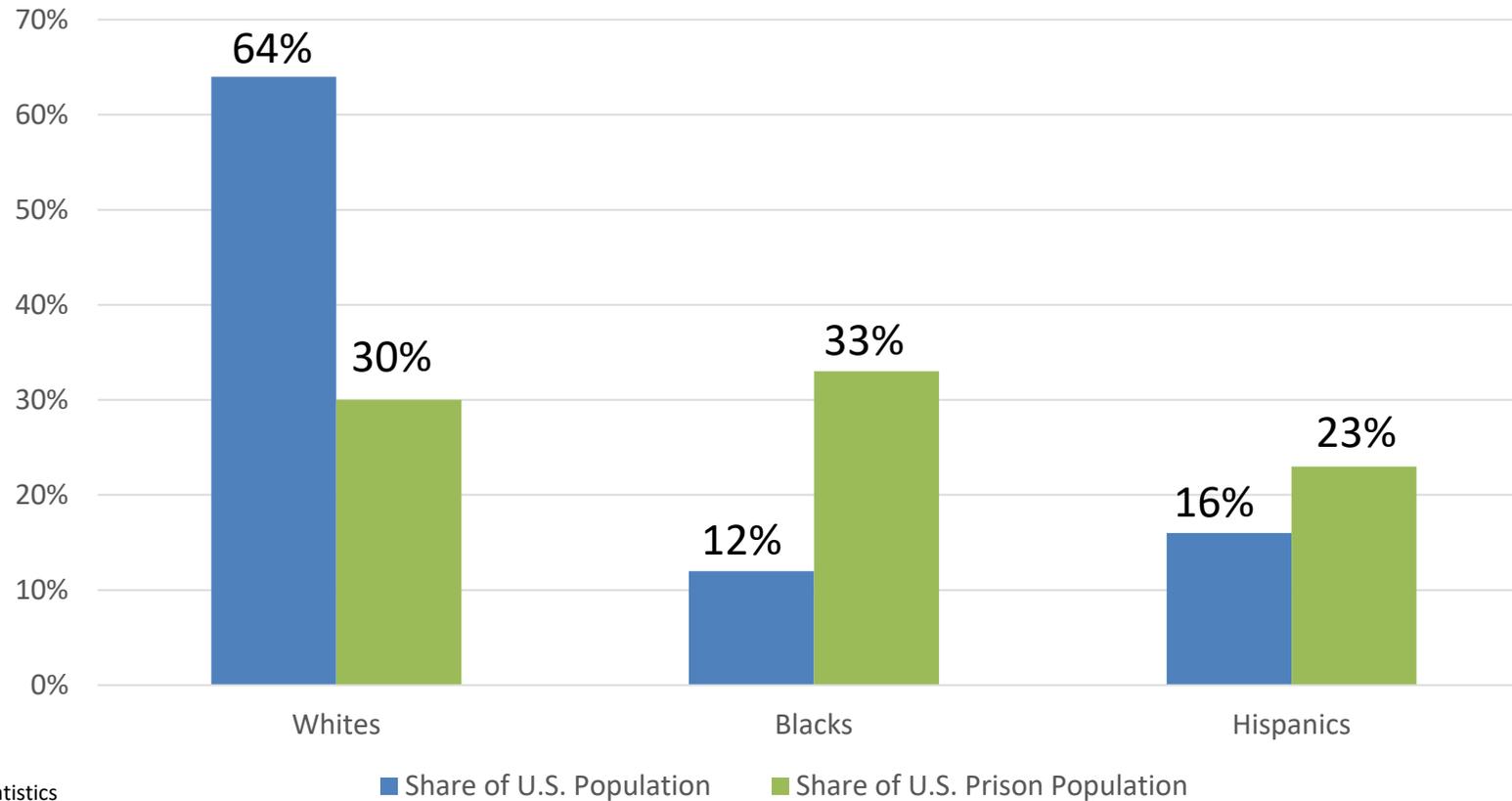
2. Schmitt, John, *Ex-offenders and the Labor Market* (2010)

3. Bucknor, C., & Barber, A. (2016); <http://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf?v=5>



# Impact of criminal records is greater for people and communities of color.

U.S. adult population and U.S. prison population by race and Hispanic origin in 2017



4. U.S. Census Bureau, Bureau of Justice Statistics

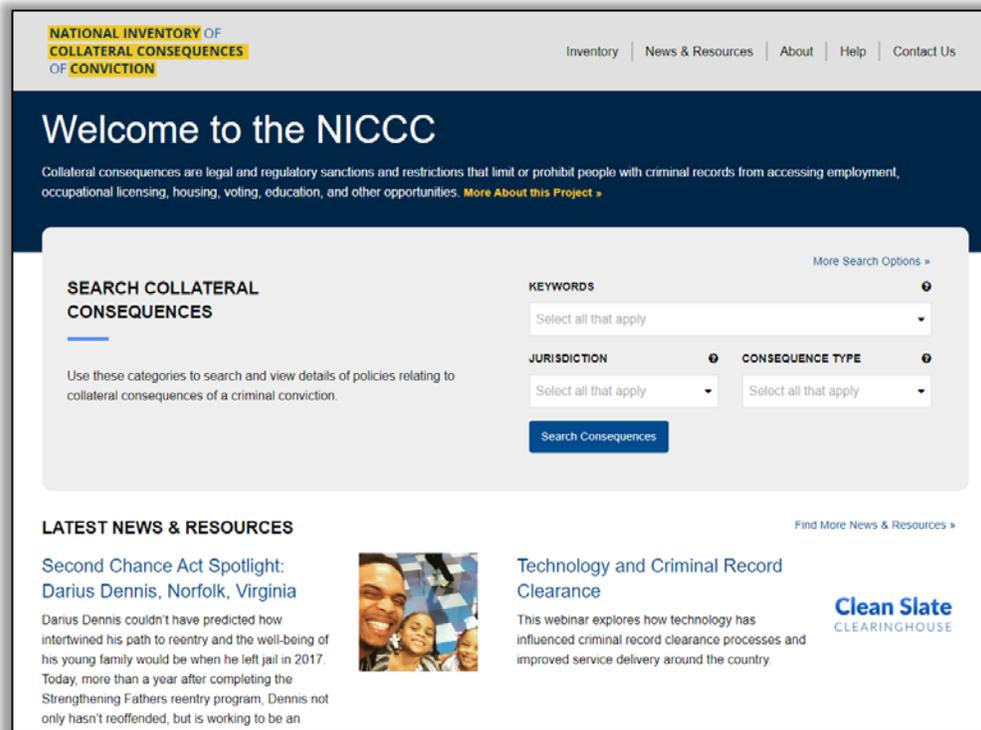


# Collateral consequences act as barriers to work for people with criminal convictions.

*Legal restrictions that limit or prohibit people convicted of crimes from accessing employment, housing, and other rights, benefits, and opportunities.*



# National Inventory of Collateral Consequences of Criminal Conviction (NICCC)



The screenshot shows the homepage of the National Inventory of Collateral Consequences of Criminal Conviction (NICCC). The header includes the site name and navigation links for Inventory, News & Resources, About, Help, and Contact Us. A welcome message explains that collateral consequences are legal and regulatory sanctions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities. Below this is a search interface with fields for Keywords, Jurisdiction, and Consequence Type, along with a 'Search Consequences' button. A 'LATEST NEWS & RESOURCES' section features a spotlight on Darius Dennis, Norfolk, Virginia, and a webinar titled 'Technology and Criminal Record Clearance' by Clean Slate Clearinghouse.

- Searchable online database
- **Over 40,000** consequences from across the country
- Recently updated and overhauled with new features

<https://niccc.csgjusticecenter.org>



# Collateral consequences restrict licensing avenues for people with criminal convictions.

Across the 50 states and federal system, there are nearly **15,000** collateral consequences that limit occupational licensing opportunities for individuals with criminal records.

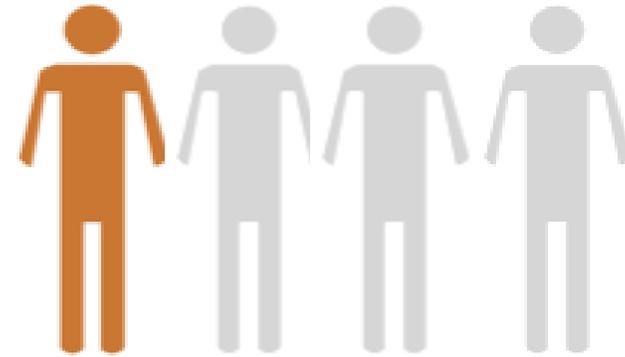
Approximately **6,000** consequences serve as blanket (mandatory) bars for certain licenses, based on certain criminal convictions.

Mandatory: Any occupational license held by a person found guilty **shall** be suspended...

Discretionary: The board **may** refuse to license, renew, or **may** suspend or revoke...

# A growing number of occupations require a license to practice.

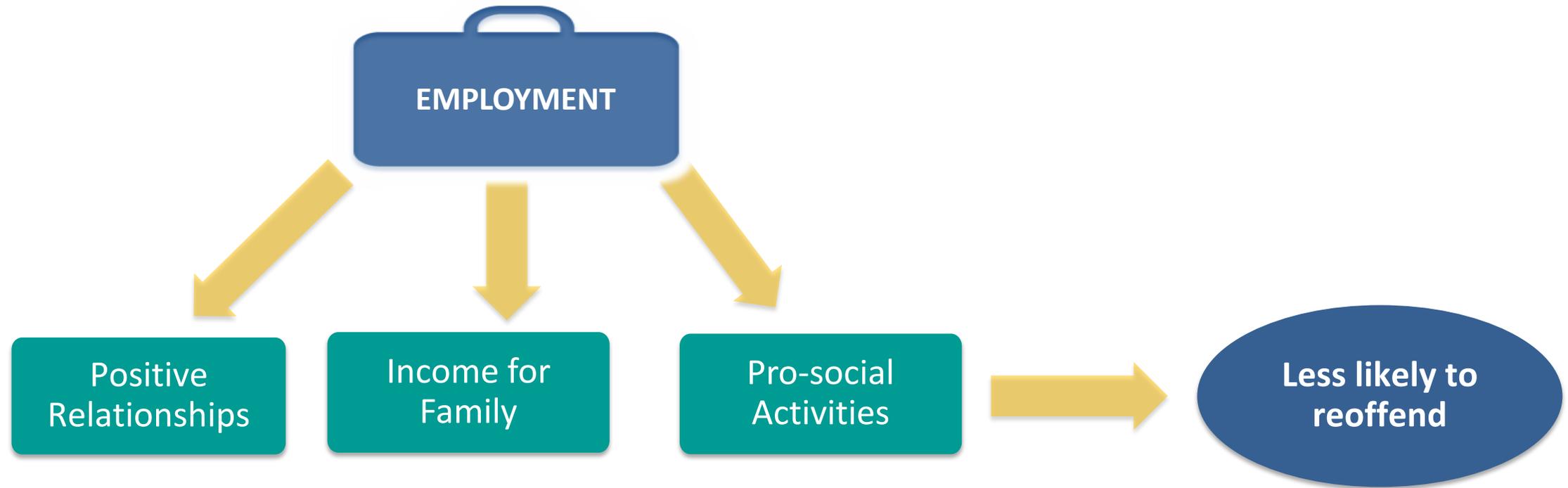
More than **800 occupations** are licensed by at least one state, including personal trainers, hair braiders, interior designers, and florists.



Up to **25 percent** of the workforce (and growing) requires an occupational/professional license.

6. <https://www.hhh.umn.edu/news/professor-morris-kleiner-licensing-more-occupations-hurts-economy>

# Employment is an important factor in a person's successful reentry.



7. Visher et al. *Employment after prison: A longitudinal Study of Releases in Three States*. Urban Institute, Justice Policy Center, (2008).

8. <https://www.urban.org/sites/default/files/publication/32106/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>

States are adopting different strategies to address the treatment of criminal records in licensing decisions.

### General Relief

- **Record Clearance**
  - *Expungement & sealing often remove licensing barriers*
  - *Make records unavailable to decisionmakers*
- **Certificates of Relief**
  - *Orders from sentencing court that remove some or all collateral consequences, including licensing consequences.*



# States are adopting different strategies to address the treatment of criminal records in licensing decisions.

## Fair Chance Licensing Policies

### Limitations on Types of Convictions Considered

- **AZ:** *Ariz. Rev. Stat. § 41-1093.04 (only felonies, violent crimes, and, for certain licenses, fraud-related offenses)*

### Limitations Based on Time Since Conviction

- **CA:** *AB 2138 (2018) (7-year limitation for less serious offenses)*

### Direct Relationship Requirements

- **WA:** *Wash. Rev. Code § 9.96A.020 (“[offense] directly relates to the position of employment sought or to the specific occupation, trade [or] vocation ... which the license, permit, certificate or registration is sought.”)*

### Individualized Consideration & Specific Guidance

- **CO:** *Colo. Rev. Stat. § 24-5-101 (must consider 4 factors, including whether a direct relationship exists)*

### Preliminary Eligibility Determination

- **NV:** *AB-319 (2019) (“A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.”)*

### Written Notice of Reasons for Denial

- **NM:** *Wis. Stat. §§ 111.335 (Board “shall explicitly state in writing the reasons for a decision which prohibits the person from engaging in the [trade or profession] if the decision is based in whole or in part on conviction of any crime.”)*



# Resources

### Database

Click on the image to access the database.

| State                | Title                  | Statute  | Effective Date | Description  |
|----------------------|------------------------|--|----------------|--|
| Alabama              | Occupational Licensing | Alabama Code, Title 20, Chapter 20-1-1                   | 01/01/2011     | Alabama Code, Title 20, Chapter 20-1-1                   |
| Alaska               | Occupational Licensing | Alaska Statute, Title 07, Chapter 07.05                  | 01/01/2011     | Alaska Statute, Title 07, Chapter 07.05                  |
| Arizona              | Occupational Licensing | Arizona Revised Statutes, Title 15, Chapter 15-1         | 01/01/2011     | Arizona Revised Statutes, Title 15, Chapter 15-1         |
| Arkansas             | Occupational Licensing | Arkansas Code, Title 10, Chapter 10-1                    | 01/01/2011     | Arkansas Code, Title 10, Chapter 10-1                    |
| California           | Occupational Licensing | California Code of Regulations, Title 16, Chapter 16     | 01/01/2011     | California Code of Regulations, Title 16, Chapter 16     |
| Colorado             | Occupational Licensing | Colorado Revised Statutes, Title 12, Chapter 12-1        | 01/01/2011     | Colorado Revised Statutes, Title 12, Chapter 12-1        |
| Connecticut          | Occupational Licensing | Connecticut General Statutes, Title 26a, Chapter 26a-1   | 01/01/2011     | Connecticut General Statutes, Title 26a, Chapter 26a-1   |
| Delaware             | Occupational Licensing | Delaware Code of Regulations, Title 13, Chapter 13       | 01/01/2011     | Delaware Code of Regulations, Title 13, Chapter 13       |
| District of Columbia | Occupational Licensing | District of Columbia Code, Title 11, Chapter 11          | 01/01/2011     | District of Columbia Code, Title 11, Chapter 11          |
| Florida              | Occupational Licensing | Florida Administrative Code, Title 12, Chapter 12        | 01/01/2011     | Florida Administrative Code, Title 12, Chapter 12        |
| Georgia              | Occupational Licensing | Georgia Code, Title 43, Chapter 43                       | 01/01/2011     | Georgia Code, Title 43, Chapter 43                       |
| Hawaii               | Occupational Licensing | Hawaii Revised Statutes, Title 15, Chapter 15            | 01/01/2011     | Hawaii Revised Statutes, Title 15, Chapter 15            |
| Idaho                | Occupational Licensing | Idaho Code, Title 15, Chapter 15                         | 01/01/2011     | Idaho Code, Title 15, Chapter 15                         |
| Illinois             | Occupational Licensing | Illinois Code of Regulations, Title 120, Chapter 120     | 01/01/2011     | Illinois Code of Regulations, Title 120, Chapter 120     |
| Indiana              | Occupational Licensing | Indiana Code, Title 15, Chapter 15                       | 01/01/2011     | Indiana Code, Title 15, Chapter 15                       |
| Iowa                 | Occupational Licensing | Iowa Code, Title 15, Chapter 15                          | 01/01/2011     | Iowa Code, Title 15, Chapter 15                          |
| Kansas               | Occupational Licensing | Kansas Statutes, Title 15, Chapter 15                    | 01/01/2011     | Kansas Statutes, Title 15, Chapter 15                    |
| Kentucky             | Occupational Licensing | Kentucky Revised Statutes, Title 15, Chapter 15          | 01/01/2011     | Kentucky Revised Statutes, Title 15, Chapter 15          |
| Louisiana            | Occupational Licensing | Louisiana Code of Ordinances, Title 15, Chapter 15       | 01/01/2011     | Louisiana Code of Ordinances, Title 15, Chapter 15       |
| Maine                | Occupational Licensing | Maine Revised Statutes, Title 15, Chapter 15             | 01/01/2011     | Maine Revised Statutes, Title 15, Chapter 15             |
| Maryland             | Occupational Licensing | Maryland Code, Title 15, Chapter 15                      | 01/01/2011     | Maryland Code, Title 15, Chapter 15                      |
| Massachusetts        | Occupational Licensing | Massachusetts Code of Regulations, Title 15, Chapter 15  | 01/01/2011     | Massachusetts Code of Regulations, Title 15, Chapter 15  |
| Michigan             | Occupational Licensing | Michigan Code of Regulations, Title 15, Chapter 15       | 01/01/2011     | Michigan Code of Regulations, Title 15, Chapter 15       |
| Minnesota            | Occupational Licensing | Minnesota Code of Regulations, Title 15, Chapter 15      | 01/01/2011     | Minnesota Code of Regulations, Title 15, Chapter 15      |
| Mississippi          | Occupational Licensing | Mississippi Code, Title 15, Chapter 15                   | 01/01/2011     | Mississippi Code, Title 15, Chapter 15                   |
| Missouri             | Occupational Licensing | Missouri Code of Regulations, Title 15, Chapter 15       | 01/01/2011     | Missouri Code of Regulations, Title 15, Chapter 15       |
| Montana              | Occupational Licensing | Montana Code, Title 15, Chapter 15                       | 01/01/2011     | Montana Code, Title 15, Chapter 15                       |
| Nebraska             | Occupational Licensing | Nebraska Code, Title 15, Chapter 15                      | 01/01/2011     | Nebraska Code, Title 15, Chapter 15                      |
| Nevada               | Occupational Licensing | Nevada Code, Title 15, Chapter 15                        | 01/01/2011     | Nevada Code, Title 15, Chapter 15                        |
| New Hampshire        | Occupational Licensing | New Hampshire Code of Regulations, Title 15, Chapter 15  | 01/01/2011     | New Hampshire Code of Regulations, Title 15, Chapter 15  |
| New Jersey           | Occupational Licensing | New Jersey Code of Regulations, Title 15, Chapter 15     | 01/01/2011     | New Jersey Code of Regulations, Title 15, Chapter 15     |
| New Mexico           | Occupational Licensing | New Mexico Code, Title 15, Chapter 15                    | 01/01/2011     | New Mexico Code, Title 15, Chapter 15                    |
| New York             | Occupational Licensing | New York Code of Regulations, Title 15, Chapter 15       | 01/01/2011     | New York Code of Regulations, Title 15, Chapter 15       |
| North Carolina       | Occupational Licensing | North Carolina Code of Regulations, Title 15, Chapter 15 | 01/01/2011     | North Carolina Code of Regulations, Title 15, Chapter 15 |
| North Dakota         | Occupational Licensing | North Dakota Code, Title 15, Chapter 15                  | 01/01/2011     | North Dakota Code, Title 15, Chapter 15                  |
| Ohio                 | Occupational Licensing | Ohio Code of Regulations, Title 15, Chapter 15           | 01/01/2011     | Ohio Code of Regulations, Title 15, Chapter 15           |
| Oklahoma             | Occupational Licensing | Oklahoma Code, Title 15, Chapter 15                      | 01/01/2011     | Oklahoma Code, Title 15, Chapter 15                      |
| Oregon               | Occupational Licensing | Oregon Code of Regulations, Title 15, Chapter 15         | 01/01/2011     | Oregon Code of Regulations, Title 15, Chapter 15         |
| Pennsylvania         | Occupational Licensing | Pennsylvania Code, Title 15, Chapter 15                  | 01/01/2011     | Pennsylvania Code, Title 15, Chapter 15                  |
| Rhode Island         | Occupational Licensing | Rhode Island Code, Title 15, Chapter 15                  | 01/01/2011     | Rhode Island Code, Title 15, Chapter 15                  |
| South Carolina       | Occupational Licensing | South Carolina Code of Laws, Title 15, Chapter 15        | 01/01/2011     | South Carolina Code of Laws, Title 15, Chapter 15        |
| South Dakota         | Occupational Licensing | South Dakota Code, Title 15, Chapter 15                  | 01/01/2011     | South Dakota Code, Title 15, Chapter 15                  |
| Tennessee            | Occupational Licensing | Tennessee Code, Title 15, Chapter 15                     | 01/01/2011     | Tennessee Code, Title 15, Chapter 15                     |
| Texas                | Occupational Licensing | Texas Code of Regulations, Title 15, Chapter 15          | 01/01/2011     | Texas Code of Regulations, Title 15, Chapter 15          |
| Utah                 | Occupational Licensing | Utah Code, Title 15, Chapter 15                          | 01/01/2011     | Utah Code, Title 15, Chapter 15                          |
| Vermont              | Occupational Licensing | Vermont Code of Regulations, Title 15, Chapter 15        | 01/01/2011     | Vermont Code of Regulations, Title 15, Chapter 15        |
| Virginia             | Occupational Licensing | Virginia Code, Title 15, Chapter 15                      | 01/01/2011     | Virginia Code, Title 15, Chapter 15                      |
| Washington           | Occupational Licensing | Washington Code of Regulations, Title 15, Chapter 15     | 01/01/2011     | Washington Code of Regulations, Title 15, Chapter 15     |
| West Virginia        | Occupational Licensing | West Virginia Code, Title 15, Chapter 15                 | 01/01/2011     | West Virginia Code, Title 15, Chapter 15                 |
| Wisconsin            | Occupational Licensing | Wisconsin Code, Title 15, Chapter 15                     | 01/01/2011     | Wisconsin Code, Title 15, Chapter 15                     |
| Wyoming              | Occupational Licensing | Wyoming Code, Title 15, Chapter 15                       | 01/01/2011     | Wyoming Code, Title 15, Chapter 15                       |

**Occupational Licensing: Assessing State Policy and Practice**

<http://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx>

### OCCUPATIONAL LICENSING

ASSESSING STATE POLICY AND PRACTICE

## Barriers to Work: Improving Employment in Licensed Occupations for Individuals with Criminal Records

**Occupational Licensing: Barriers to Work Series**

<http://www.ncsl.org/research/labor-and-employment/occupational-licensing-barriers-to-work-series.aspx>

### NATIONAL INVENTORY OF COLLATERAL CONSEQUENCES OF CONVICTION

Welcome to the NICCC

Collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities. [More About This Project](#)

#### SEARCH COLLATERAL CONSEQUENCES

Use these categories to search and view details of policies relating to collateral consequences of a criminal conviction.

KEYWORDS:

JURISDICTION:  CONSEQUENCE TYPE:

[Search Consequences](#)

#### LATEST NEWS & RESOURCES

**Second Chance Act Spotlight: Darius Dennis, Norfolk, Virginia**

Darius Dennis couldn't have predicted how reformed his path to reentry and the well-being of his young family would be when he left jail in 2017. Today more than a year after completing the Strengthening Fathers reentry program, Dennis not only hasn't reoffended, but is working to be an

**Technology and Criminal Record Clearance**

This webinar explores how technology has enhanced criminal record clearance processes and improved service delivery around the country.

[Clean Slate](#)

**National Inventory of Collateral Consequences of Criminal Conviction**

<https://niccc.csjusticecenter.org/>



# Contact

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[cumez@csg.org](mailto:cumez@csg.org)

*The presentation was developed by members of the Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work. Citations available for statistics presented in preceding slides available on CSG Justice Center web site.*



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS



# Military Spouse License Portability

Office of the Deputy Assistant Secretary of Defense  
for  
Military Community and Family Policy



# What We Do

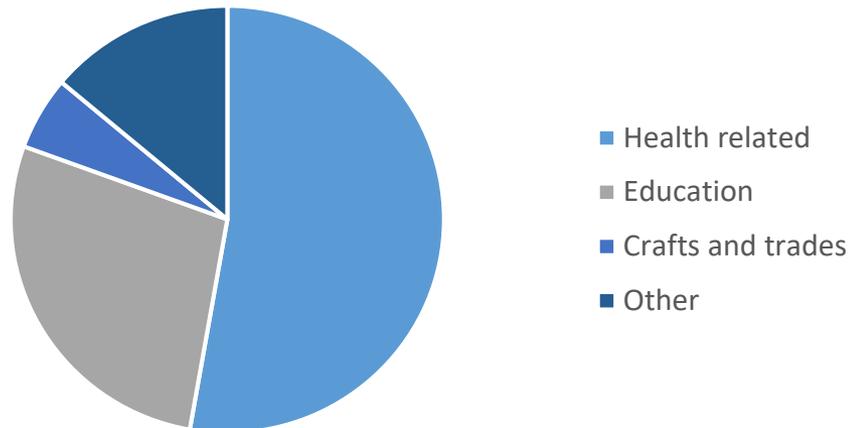
- Established by the USD(P&R) in 2004
- Mission is to:
  - Alleviate barriers as a result of military life
  - Harmonize differences in state and federal laws
- Have covered a wide range of state issues:
  - Family law, education, occupational licensure and employment support, consumer protection, voting, health policy, National Guard support and the state judicial system
- Issues are reviewed annually to bring most significant to states.
- Accomplish mission through research of potential issues and “education, relationships, and assistance” with state policymakers.



# Military Spouse Demographics

| Active Duty Military Spouse Population                   | % of Spouses <sup>2</sup> | # of Spouses |
|--|---------------------------|--------------|
| Active duty military spouses <sup>1</sup>                | 100                       | 637,128      |
| - Spouses in the workforce                               | 61                        | 337,678      |
| - Spouses in the workforce requiring a state license     | 34                        | 132,140      |
| - Spouses in the workforce in health related occupations | 19                        | 73,843       |
| - Spouses in the workforce in education                  | 10                        | 38,865       |
| - Spouses in the workforce in crafts and trades          | 2                         | 6,754        |
| - Spouses in the workforce in other licensed occupations | 5                         | 16,844       |

Distribution of Licensed Occupations<sup>2</sup>



<sup>1</sup>Active Duty Personnel Master File and Active Duty Family File, Defense Manpower Data Center, November 2017

<sup>2</sup>2017 Survey of Active Duty Military Spouse: Tabulation of Responses, Defense Manpower Data Center Report



# Active Duty Spouses in the West

|            |        |                 |        |
|------------|--------|-----------------|--------|
| Alaska     | 11,154 | New Mexico      | 6,917  |
| Arizona    | 11,446 | Oregon          | 1,655  |
| California | 75,814 | Utah            | 3,176  |
| Colorado   | 22,061 | Washington      | 33,124 |
| Hawaii     | 25,147 | Wyoming         | 1,689  |
| Idaho      | 2,358  | American Samoa  | 13     |
| Montana    | 1,883  | Mariana Islands | 9      |
| Nevada     | 7,283  | Guam            | 2,083  |

Active Duty Military Spouses (including Coast Guard), by Zip Code of Residence, Aggregated by State, Source: Defense Eligibility Enrollment Reporting System, Data as Of October 25, 2018)

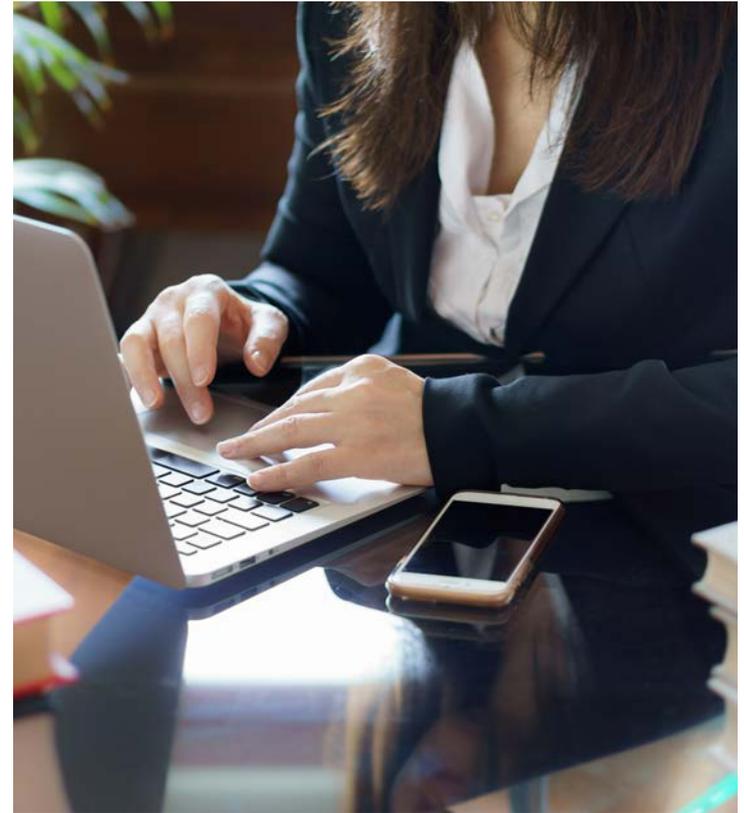


# Military Spouse Licensure Experience

*“It requires getting college transcripts sent to a state office. Sometimes taking a standardized test (Praxis is standard but each state may make their own) if you have already taken it that needs to be sent in. Copies of active, and sometimes expired licenses.*

*Previous employment histories, which involves individually contacting districts/private school boards. Have that sent in, plus your non-refundable check. And unfortunately every state I have been in requires another test to be taken.”*

*–Military Spouse Experience*

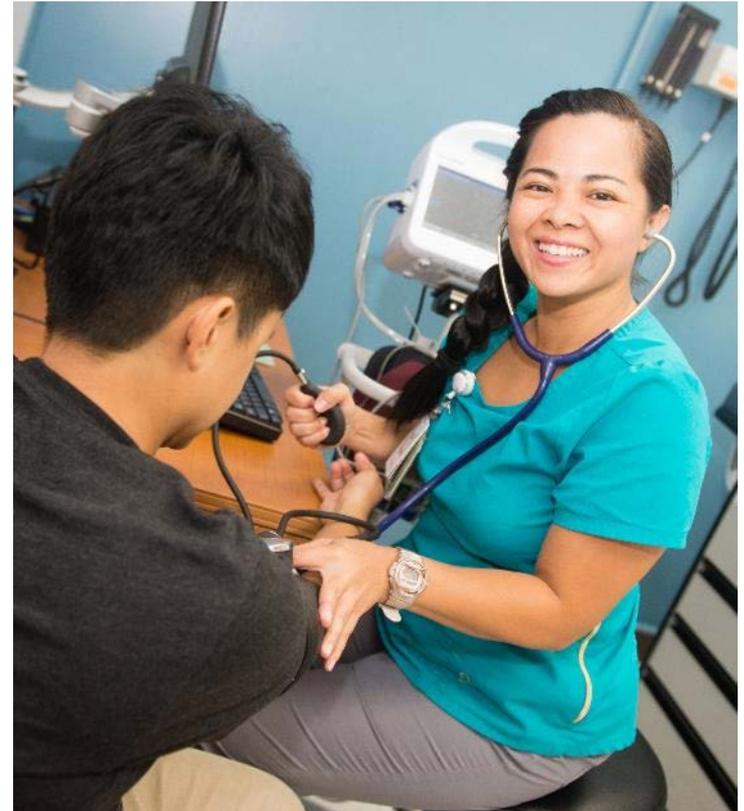


# Licensure Initiatives

**2011 – 2016:**

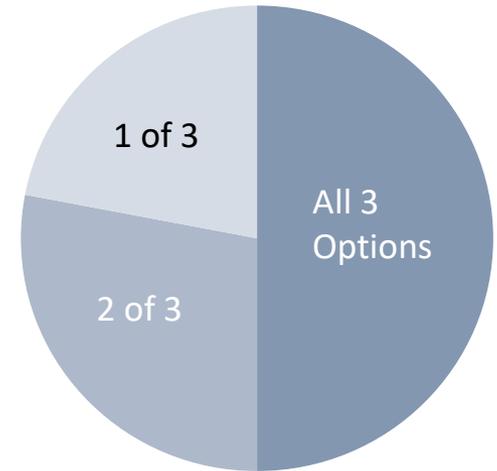
Approach based on

- **Endorsement**
  - **Temporary licensure**
  - **Expedited applications**
- Enacted 69 bills in 47 states
  - Covered health care and commercial occupations – most excluded teachers
  - Iowa – Executive Order covering only teachers



# 2017 University of Minnesota Evaluation

- University of Minnesota studied 6 occupations in 50 states
  - Cosmetology, dental hygiene, counseling, massage therapy, occupational therapy and real estate
- Validated:
  - 42 states provide **temporary licensing**
  - 39 states make **endorsement of existing licenses** available and attainable
  - 31 states **expedite** the process of getting a license
- Other findings:
  - **Endorsement, temporary and expedited did not relieve the underlying burden of licensing** – only made the process faster
  - **Boards did not uniformly implement state laws**



<https://reachmilitaryfamilies.umn.edu/research/document/13865>



# 2018 Licensure Reboot

- Follow-up on University of Minnesota findings
- Address **teacher certification** (not previously covered)
- React to changing licensure climate:
  - **Military Department Secretaries issued a letter** to the NGA stating licensure would be part of new mission decisions
  - Occupation specific interstate compacts featured accommodations for military spouses that eliminated relicensing



# 2019 Approaches to Portability

- **State-specific improvements:**
  - **Continued to improve Expedited, Endorsement, Temporary**
  - **Exempt military spouses from state licensing processes:** Several states (examples: AZ, FL, IA, and UT) allow military spouses to work in the state, based upon having a current license in good standing from another state.
- **Interstate solution for the long-term:** Compacts establish common understanding of competency and its measurement within the occupation and then seek to have states approve the compact through legislation.



# Recognized Compacts

- **PT COMPACT– Physical Therapy License Compact:**
  - Privilege to practice provision allows military spouse to work in any member state with an unencumbered license in the home state
- **eNLC – Enhanced Nurse Licensure Compact:**
  - Privilege to practice provision
  - Flexibility through Military Spouse Residence Relief Act
- **REPLICA – Emergency Medical Services Compact**
  - Establishes consistent licensing requirements
  - Special provisions for military
- **PSYPACT – Psychological Interjurisdictional Compact**
  - Supports tele-health – important for access to care
  - Assists military spouse psychologists maintain clients



# 2019 Initiatives/Status

- State Spouse Licensure Implementation Policy: 23 approved/3 pending
- Military spouse teacher certification: 34 approved/5 pending
- License Compacts recognizing military spouses:
  - PT Compact: 25 approved/4 pending
  - eNLC: 33 approved/6 pending
  - REPLICIA: 18 approved/2 pending
  - PSYPACT: 11 approved/3 pending
- Legislation would approve State-specific enhancements:  
9 approved/6 pending

(Approved Legislation or Policy/Pending Legislation or Policy)



# 2020 Licensure Initiatives

- State Spouse Licensure Implementation Policy
- Military Spouse Teacher Certification
- **Enhanced State military spouse licensure provisions, such as:**
  - Accept an affidavit attesting to the accuracy of a military spouse's application and commitment to submitting substantiating documents.
  - Establish a 30 day deadline for adjudicating applications.
  - Establish a temporary license that lasts until the issuance of a permanent license, issued at application, prior to the board receiving substantiating documents which may be needed for a final license.
  - Waive fees.
- License Compacts recognizing military spouses:
  - PT Compact, eNLC, REPLICA and PSYPACT
  - Speech Pathology/Audiology Compact



# Here and ready to support your efforts.

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Tammie Perreault (AK, ID, MT, OR, WA, WY)

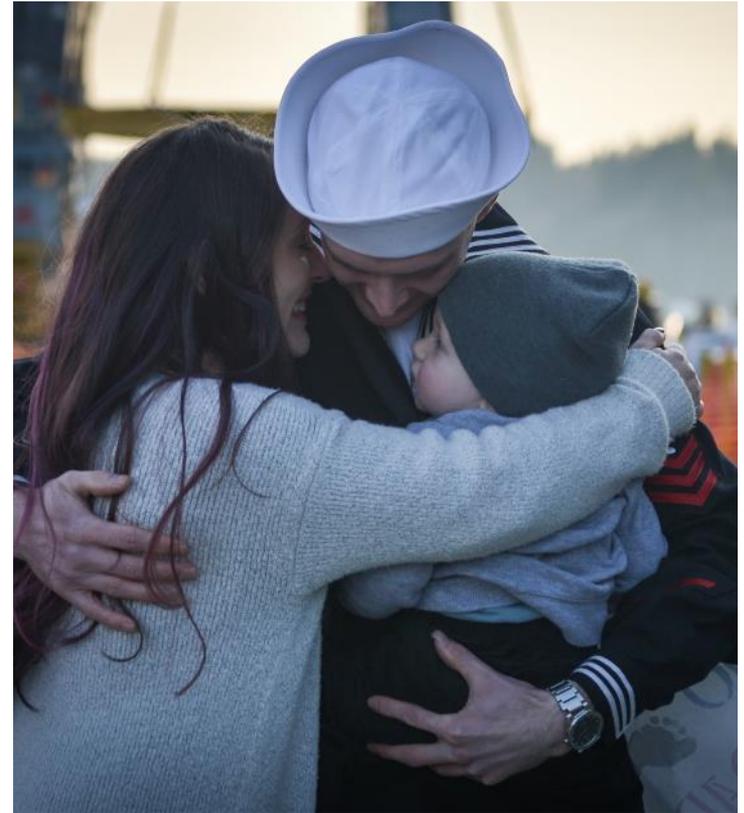
[Tammie.I.Perreault.civ@mail.mil](mailto:Tammie.I.Perreault.civ@mail.mil)

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(571) 236-7833



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# Occupational Licensing Learning Seminar

**Paul Feltman**

Deputy Executive Director, Global Talent Policy and Programs  
World Education Services

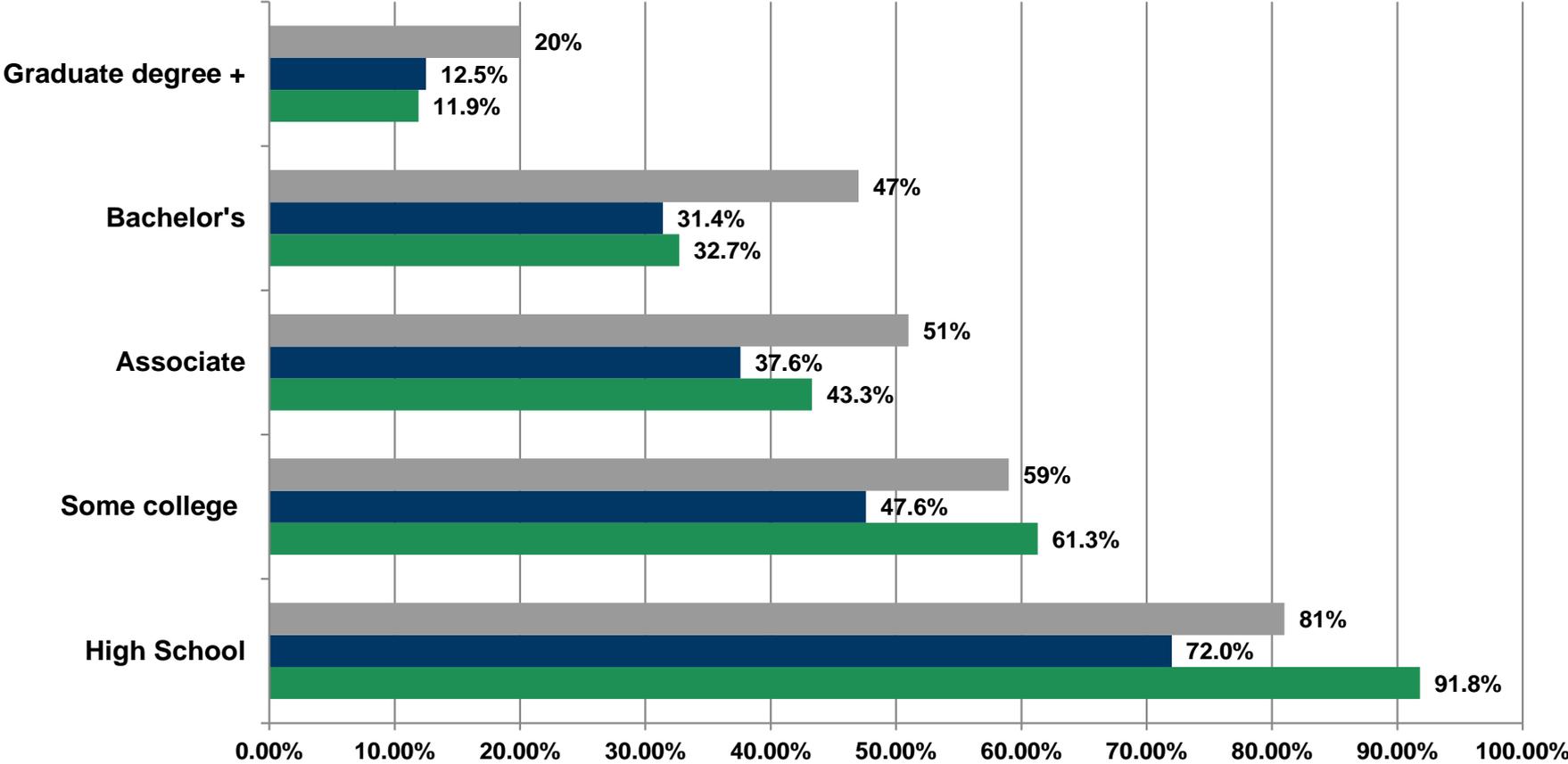
# WES Global Talent Bridge

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- **World Education Services (WES)** is a non-profit organization dedicated to helping individuals with international education achieve their educational and professional goals in the United States and Canada.
- **Global Talent Bridge** is a program of WES that is dedicated to helping skilled immigrants fully utilize their talents and education in the United States and Canada.

# Education Levels of U.S. Immigrant Adults

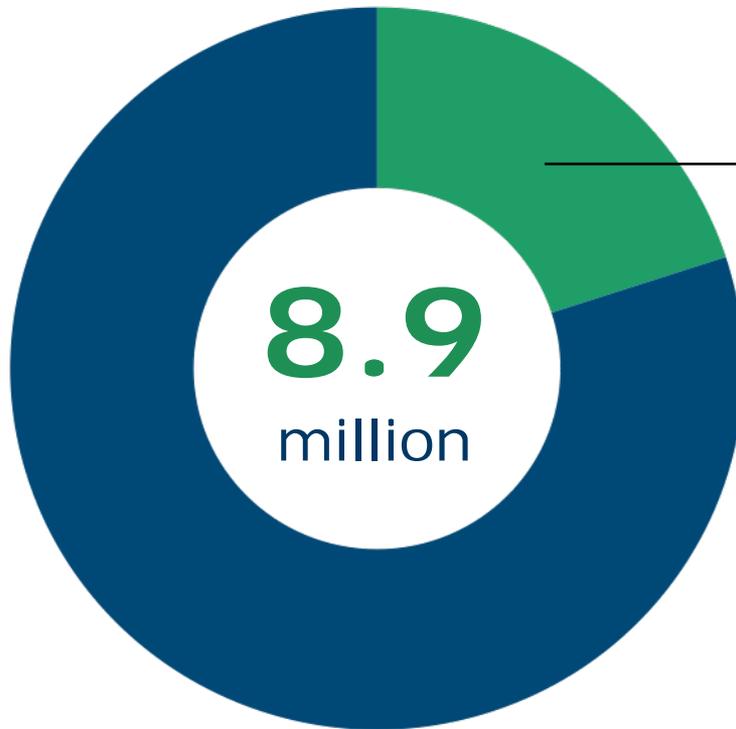
■ Recent Immigrant Adults    ■ All Immigrant Adults    ■ Native Born Adults



Sources: U.S. Census Bureau, 2015 Current Population Survey

# Skilled Immigrants and Brain Waste

---



**2.0 million**

**22.5%** of the 8.9 million college educated immigrants in the U.S. are either working in low-skilled jobs or are unemployed in the U.S. labor market

Source: Migration Policy Institute (MPI) tabulations of the U.S. Census Bureau American Community Survey (ACS) and Decennial Census, 2017.

# Costs of Brain Waste

---

## Cost of Underemployment of Highly Skilled Immigrants in the U.S.

**\$39.4** billion

in forgone earnings annually

**\$10.2** billion

in forgone taxes annually

**\$7.2** billion

in federal taxes

**\$3** billion

in state and  
local taxes

Source: Untapped Talent, 2016. Migration Policy Institute, WES and NAE

# Immigrants are Well Positioned to Address Economic and Community Needs

---

- Substantial talent pool in high-demand fields including sciences, engineering, healthcare, education
- Skilled immigrants' career re-entry takes time; middle skill occupations and paraprofessional positions can be interim steps or alternative careers
- Bring linguistic and cultural competence to health care and education fields

# Key Barriers for Immigrants

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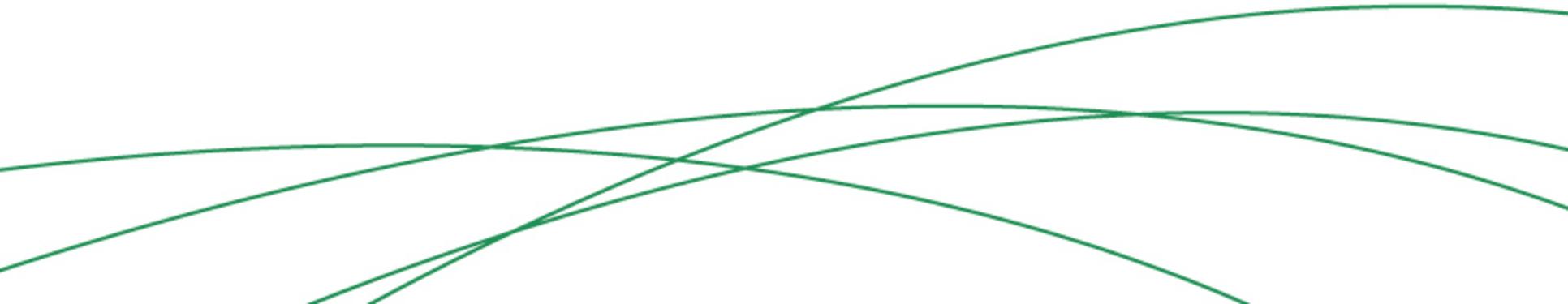
- Limited English Proficiency
- Difficulty understanding requirements and navigating complex systems
- Legal Status
- Discounting of foreign education and training

# Foreign Education and Training

---

- Regulators may lack understanding and confidence in foreign education or training
- Gaps or misalignment between U.S. licensing requirements and foreign curricula
- Promising Approaches
  - Improved credential evaluation
  - Upskilling and Certifications
  - Bridge programs, Accelerated pathways
  - Competency assessment
  - Limited or provisional licensing models

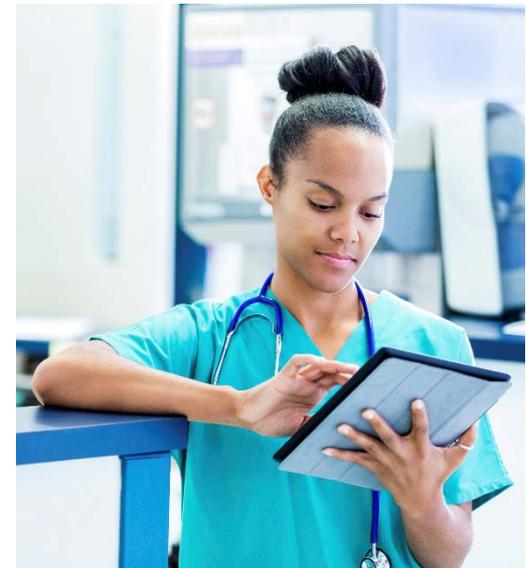
States and cities are taking action to  
unlock the talent of skilled immigrants



# State Licensing Examples

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- **Agency Led Licensing Initiatives**
  - [Maryland](#) - Skilled Immigrant Task Force, immigrant career pathways guides
  - [Ohio](#) - licensing guidance for New Americans through Department of Education website
  - [Michigan](#) – licensing guidance through state’s Office of New Americans website
- **Other Community Led Licensing Initiatives**
  - [Upwardly Global](#) - licensing guidance for 5 states (MI, IL, CA, NH, NY)
  - [Global Talent](#) – licensing guidance for Idaho



# State Model: Michigan's Licensing Guides

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- 40+ Immigrant Licensing Guides
  - **Examples** include Accountant, Architect, Barber, Cosmetology, Electrician, Medical Doctor, Physical Therapist, Real Estate Appraiser
- One dedicated phone number for immigrants needing licensing assistance to call
- **Engagement:** Average about 20,000 hits per year
- **Costs:** approximately \$200 - \$400 per guide

# State and Local Examples

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- Occupation-Specific Initiatives

- Nurses

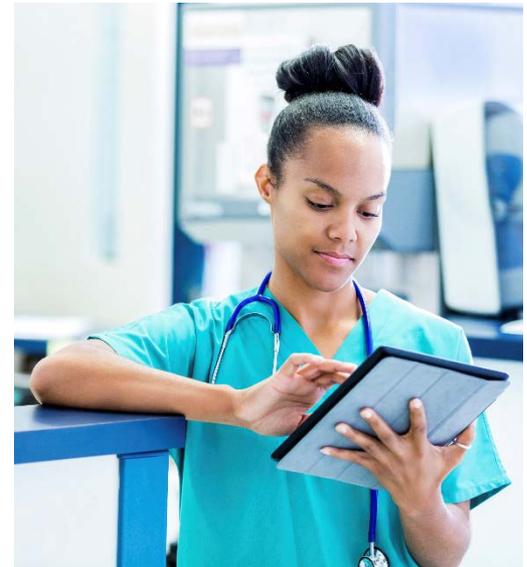
- New York: [LaGuardia NCLEX program](#)
    - California: [Grossmont Community College and Welcome Back](#)
    - Oregon: [Immigrant Nurse Credentialing Program](#)

- Paraeducators and Teachers

- Washington: [Professional Education Standards Board: Grow Your Own](#)
    - Maine: [Portland Adult Education: Education Academy](#)

- Doctors

- Minnesota: [Department of Health International Medical Graduates Program](#)
    - California: [UCLA International Medical Graduates \(IMG\) Program](#)



# Program Model: Welcome Back Centers

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- **Locations** in 10 states
- **Provides** orientation, counseling, and support to foreign-trained health professionals
- **Helps** meet need for linguistically and culturally competent health services in underserved communities
- **Support** in obtaining appropriate professional credentials and licenses for their profession, including career workshops, contextualized ESL programs, networking opportunities

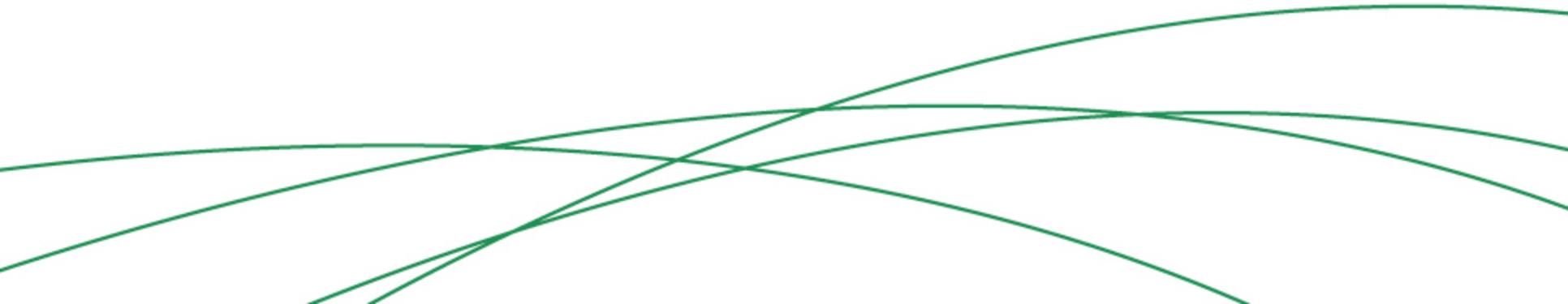


# Program Model: NY-BEST NCLEX at LaGuardia Community College

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- Immigrant nurses
  - Average 7 years in the US underemployed or unemployed
  - **25%** unemployed at intake, **46%** working outside healthcare sector
- 
  - **98%** retention rate over the last 6 years for intensive courses
  - LPN and RN cumulative **pass rates double** national rate for immigrant professionals
- Cost: approximately **\$8-10K** per student
- LPNs' average wages rose **120%** (\$12.02/hr. to \$26.45/hr.)
- RNs' average wages rose **150%** (\$11.61/hr. to \$29.00/hr.)

Steps policymakers can take

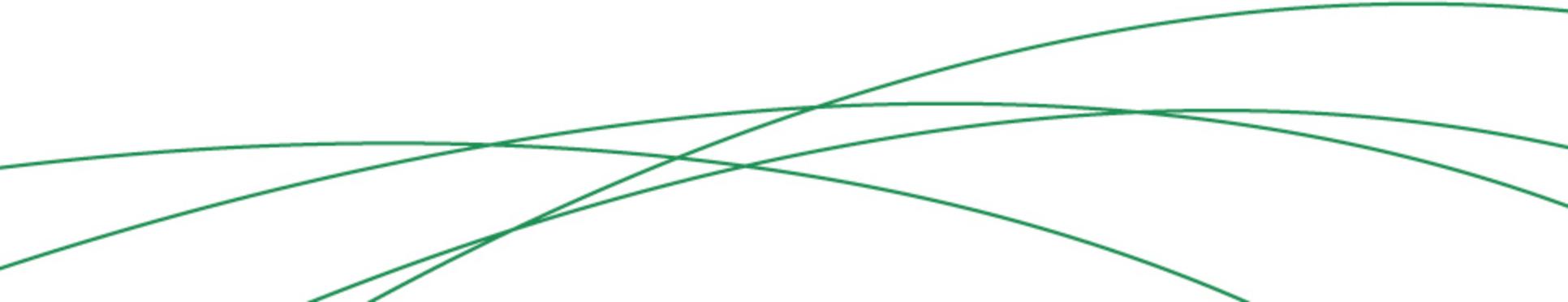


# Policy Levers Include Legislation, Regulation, Guidance, Appropriations

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- Improve transparency of licensing processes
- Review licensing processes to identify unintentional barriers
- Establish a point person or clearinghouse for immigrant licensure questions
- Fund residency slots, mid-ternships or fellowships
- Consider creating limited or provisional classes of licensure
- Invest in professional/technical English classes
- Support promising program models and practices for re-credentialing
- Review existing workforce and education datasets to identify pipeline problems and opportunities

# WES Resources



# Mapping Immigrant Professional Integration

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IMPRINT's maps showcase state-level programs, demographics, and legislation relevant to the professional integration of foreign-trained immigrants and refugees in the U.S.



**IMPRINT**

[www.imprintproject.org/maps](http://www.imprintproject.org/maps)

# WES Pathways Guides Help Foreign-Trained Use Their Education in the US

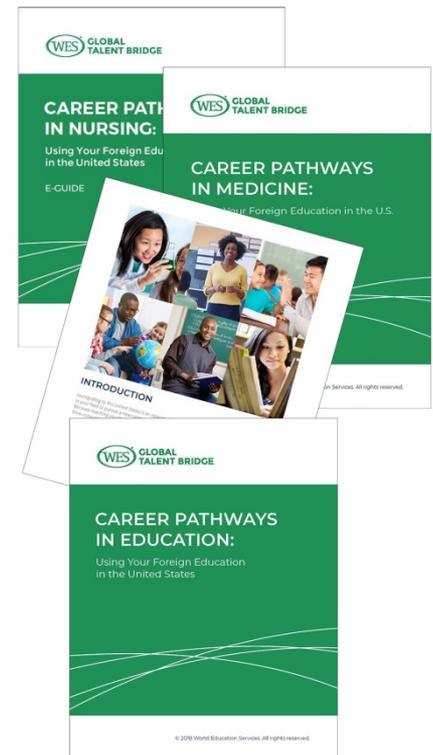
The [WES Pathways](#) guides provide sector-specific advice and resources to support academic and career advancement for foreign-trained immigrants

## Features:

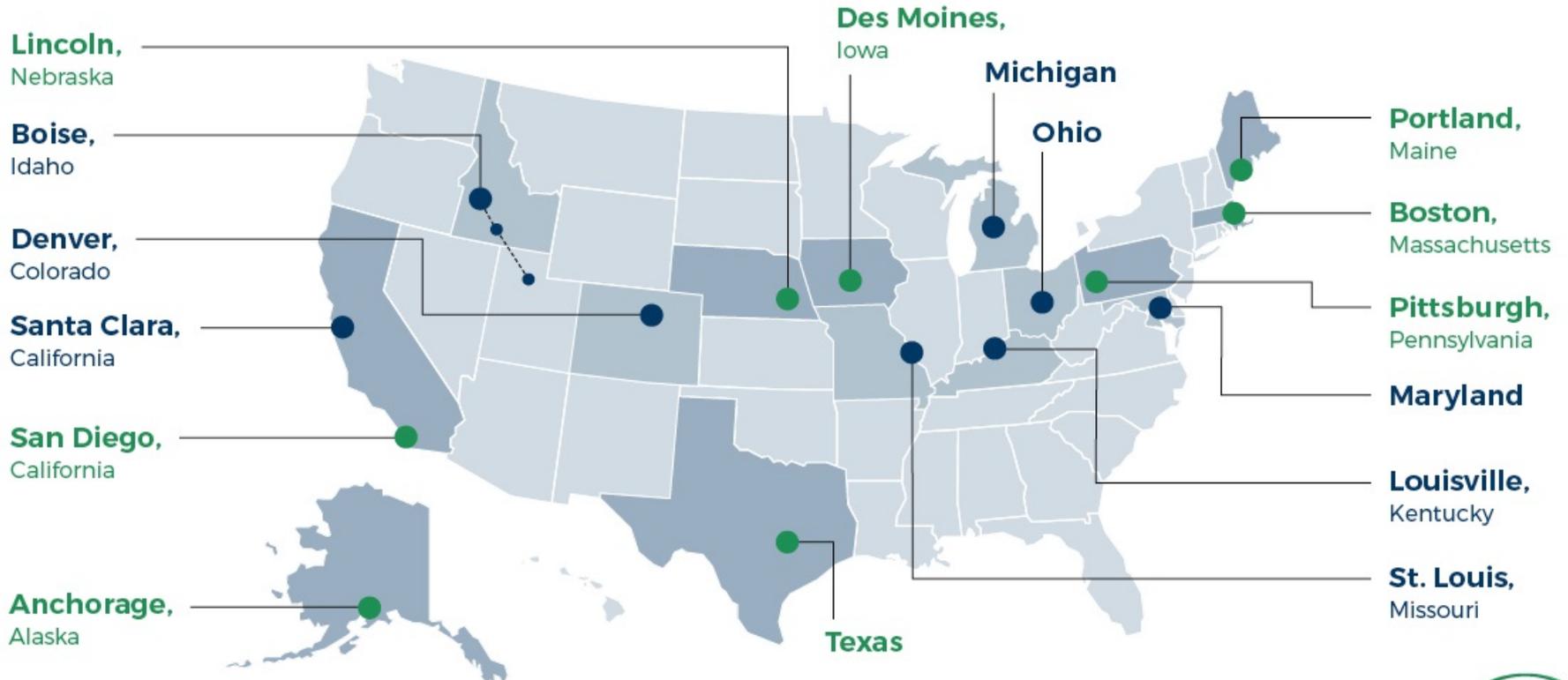
- Academic pathways for career entry and advancement
- Licensing and certification requirements
- Alternative career options

## WES Guides Have Been Locally Adapted:

- [Ohio](#)
- [Maryland](#)
- Denver, CO
- St. Louis, MO
- Louisville, KY



# Skilled Immigrant Integration Program, 2018 & 2019





Our Expertise. Your Success.

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# THANK YOU

**Need more information?**

[www.wes.org/gtb](http://www.wes.org/gtb)

[pfeltman@wes.org](mailto:pfeltman@wes.org)

# Addressing Teacher Shortages through Licensure Reciprocity

Presentation at the Council  
of State Governments  
Occupational Licensing  
Learning Seminar

Stephanie  
Aragon

Big Sky, MT  
July 16, 2019

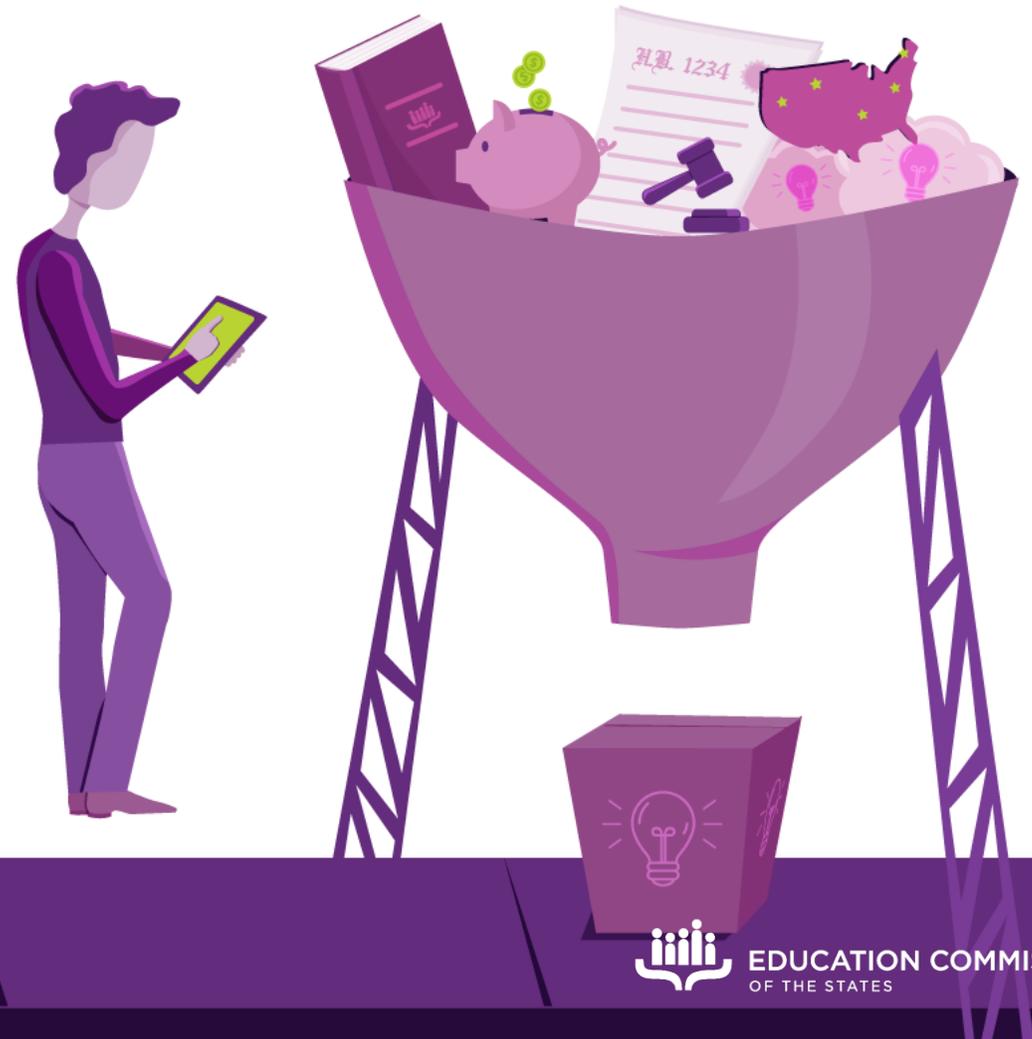


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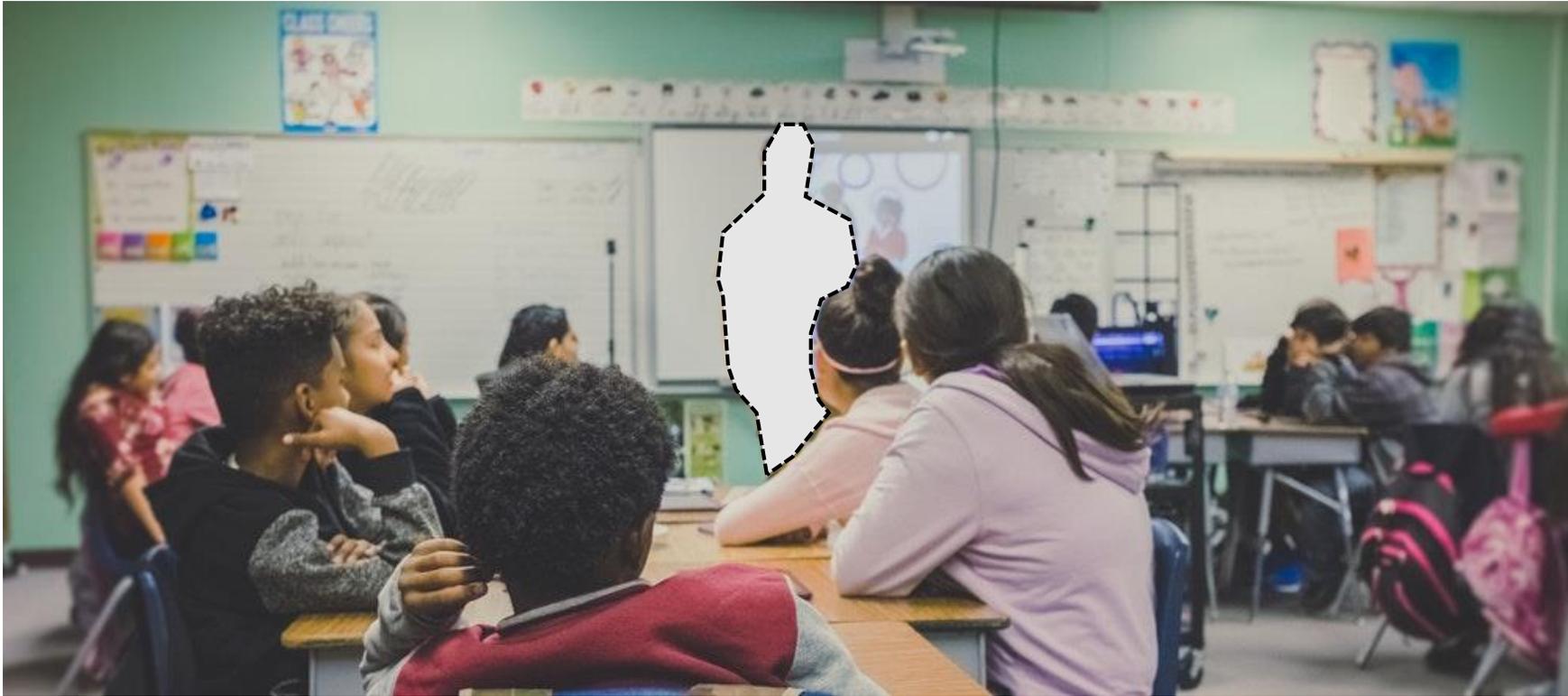
# Teacher Shortages Overview

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Instructional quality is the **most important in-school factor** impacting student academic achievement and success.



Districts and schools across the country are facing severe **shortages of teachers**, especially in certain subjects and in specific schools.

# Recruitment challenges in the U.S.

## *Trends of Student Interest in Education Majors: 2011–2015*

- Between 2011 and 2015, the percent of all ACT-tested graduates who expressed an interest in education majors decreased by 1%.

|        |         | 2011    | 2012   | 2013   | 2014   | 2015   |
|--------|---------|---------|--------|--------|--------|--------|
| Nation | Percent | 6%      | 6%     | 5%     | 5%     | 5%     |
|        | N Count | 103,932 | 94,458 | 91,186 | 89,192 | 87,653 |

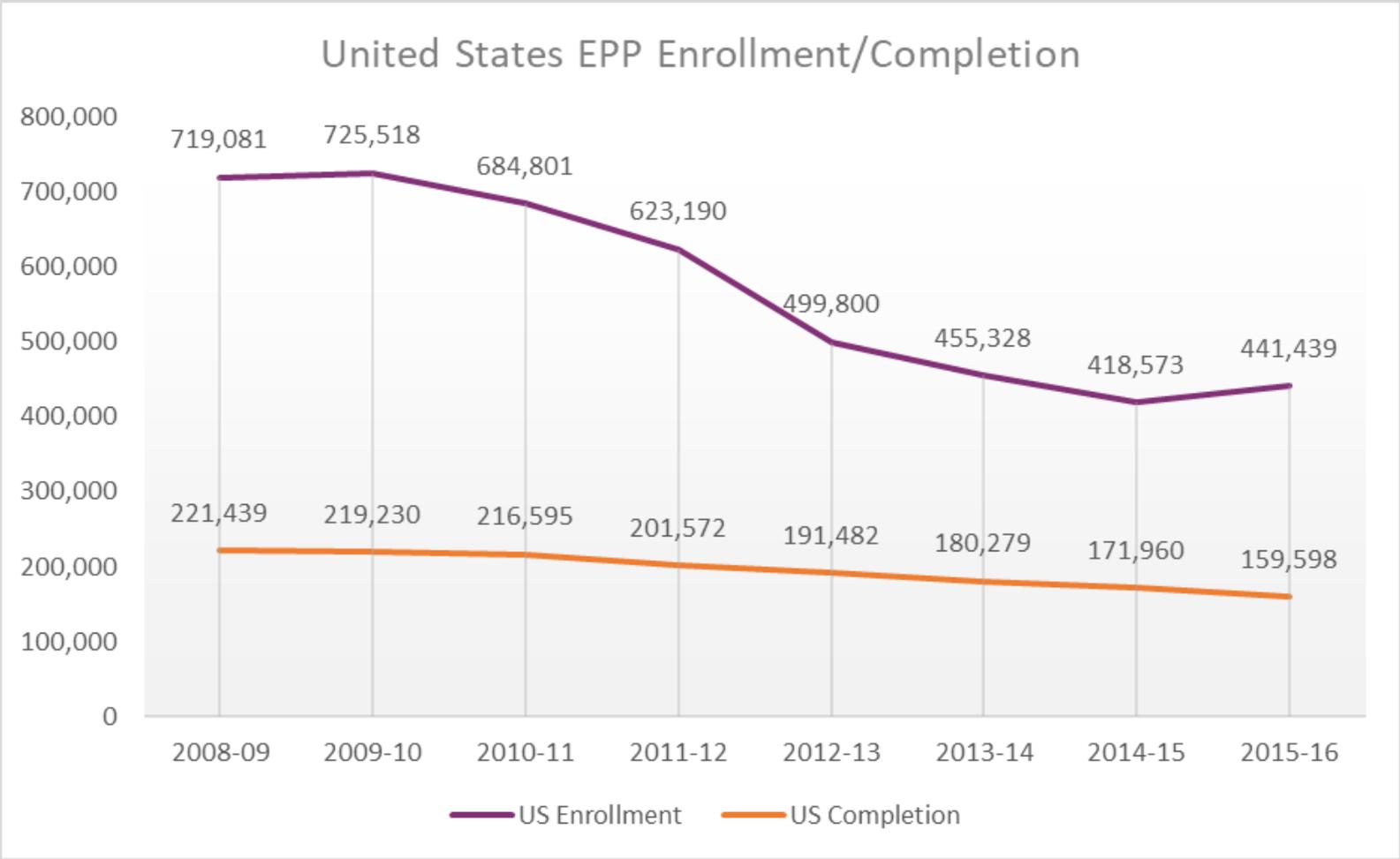
## *Trends of Student Interest in General Teacher Education Majors: 2011–2015*

- Between 2011 and 2015, the percent of students interested in these education majors decreased by 1%.

|        |         | 2011   | 2012   | 2013   | 2014   | 2015   |
|--------|---------|--------|--------|--------|--------|--------|
| Nation | Percent | 13%    | 12%    | 12%    | 12%    | 12%    |
|        | N Count | 13,754 | 11,347 | 11,089 | 10,678 | 10,751 |

The Condition of Future Educators: 2015 (ACT, 2016)

# Recruitment challenges in the U.S.



USED Title II Reports, <https://title2.ed.gov/Public/Home.aspx>

# Where are the shortages occurring?

- Subject-based
  - ◆ Special education, mathematics, foreign language and ESL
- District- and/or school-based
  - ◆ Fluctuation in subject area shortages.
  - ◆ Often confined to specific geographic areas (urban, rural).
  - ◆ Often confined to schools with specific characteristics (high-minority, high-poverty, low-achieving).
- Shortage of teachers who reflect the racial and ethnic backgrounds of their students.

# Teacher shortage impacts

1

Costly.

2

Negatively impact workforce quality, school climate and student outcomes.

3

Disproportionately impact the schools and students that can afford it the least.

# Why are shortages occurring?

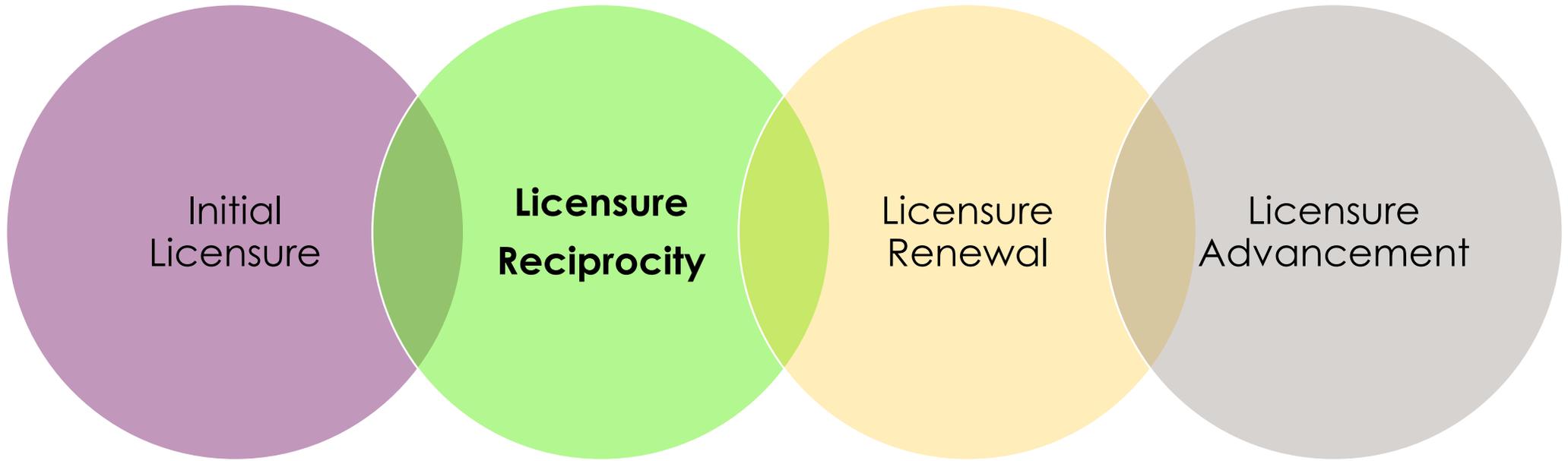
- States are facing ongoing **recruitment and retention** challenges.
- Teacher shortages are impacted by the **unique circumstances** within each state and the **unique education policies** that govern that state.
- Teacher shortages are impacted by a chronic and perpetual **misalignment of supply and demand**.

# Teacher licensure reciprocity

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# Teacher Licensure is a Key State Policy Lever



Recruitment

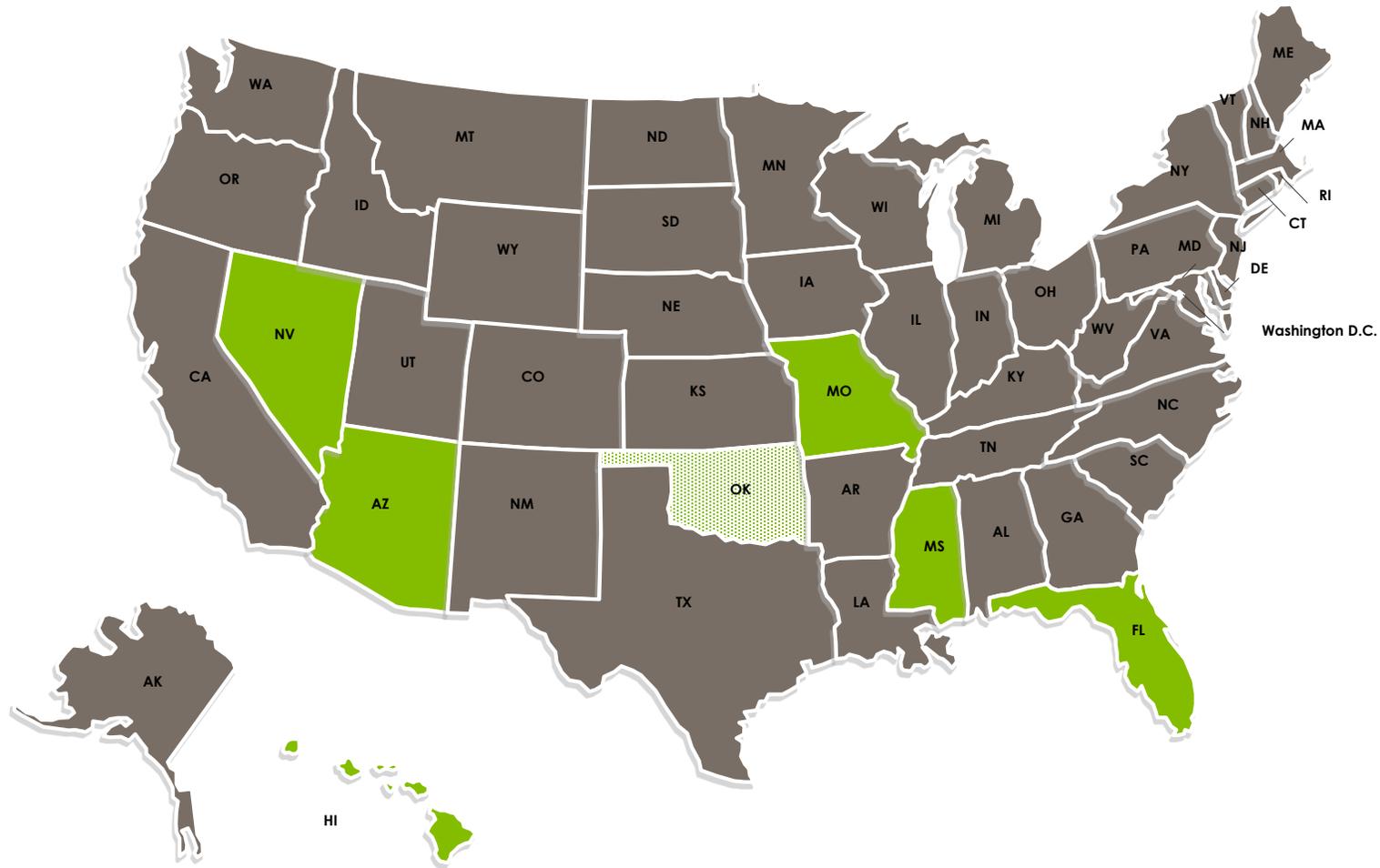


Retention

# Teacher licensure reciprocity

allows out-of-state teachers to earn a license in a receiving state **subject to meeting the receiving state's requirements.**

# Full licensure reciprocity 2017



Source: Teacher License Reciprocity (ECS, 2017)





# Teacher licensure reciprocity

## Maine

To obtain a standard license:

- Three years of successful teaching experience
- Praxis II content assessment (basic skills and pedagogy assessments are waived if in the same endorsement area)
- Additional coursework (or substitute CLEP assessment) if deficiencies are found on transcript evaluation

# Teacher licensure reciprocity

## Pennsylvania

To obtain a standard license:

- Two years of satisfactory experience
- Approved content test (and basic skills test if less than two years experience)
- Additional coursework if deficiencies in preparation and experience are found

# What does the research say?

- Teachers are **far less likely** to move across state lines than within state lines.
- State-specific licensing requirements **limit interstate teacher mobility.**
- State-specific licensing requirements may **exacerbate shortages.**

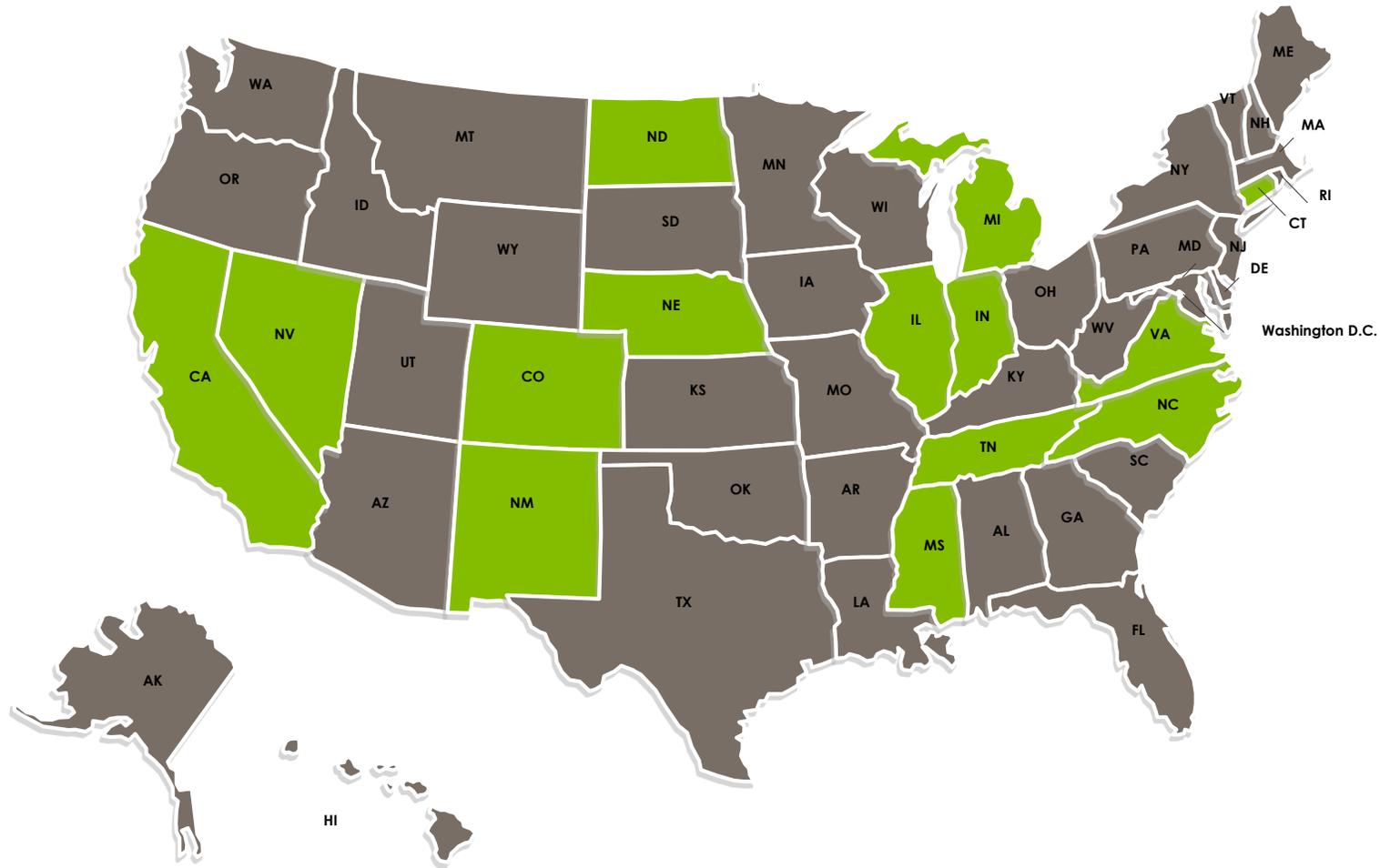


# What does the research say?

Reducing barriers/improving interstate mobility might support:

- More job opportunities, **wage growth** and increased career satisfaction for teachers.
- A **healthier teacher labor market** that mimics other industries.
- **Improved teacher recruitment** into the profession generally, but also in high-needs schools and subjects.

# Enacted legislation 2018-19



Source: Teacher License Reciprocity (ECS, 2017)

# Common elements of enacted legislation 2018-19

- Providing special reciprocity/supports to military spouses **(at least 8 states)**
- Removing coursework/assessment/evidence of effectiveness requirements **(at least 7 states)**



Limiting barriers to reciprocity  
could support the more  
**fluid movement**  
of teachers from areas where  
they are not needed to areas  
where they are.

# Interested in learning more?

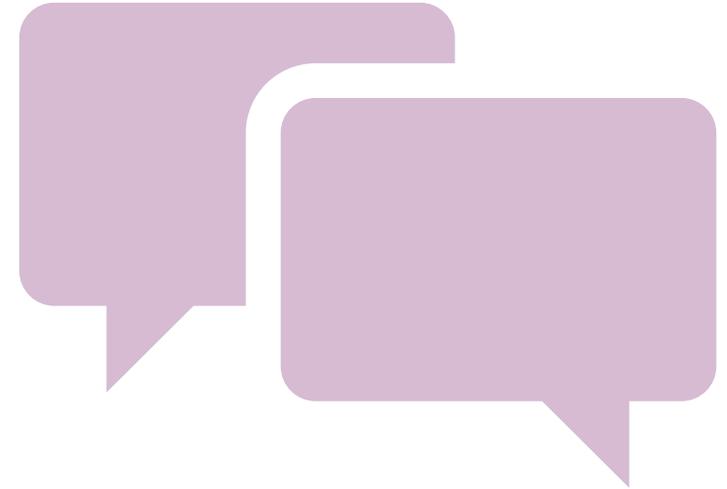
- [Teacher Shortages: What We Know](#) (2016)
- [Teacher License Reciprocity](#) (2017)
- [Targeted Teacher Recruitment](#) (2018)
- [Teacher Evaluations](#) (2018)
- [Teacher Development and Advancement](#) (2018)
- [Teacher Leadership and Licensure Advancement](#) (2018)

Questions?

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saragon@ecs.org





**National Center for  
Interstate Compacts**  
THE COUNCIL OF STATE GOVERNMENTS

# Occupational Licensing Interstate Compacts: Western States

|   |  |   |
|---|--|---|
| <p><b>Alaska</b><br/><i>None</i></p> <p><b>Arizona</b><br/><i>Physical Therapy Compact</i><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i><br/><i>PsyPact</i></p> <p><b>California</b><br/><i>None</i></p> <p><b>Colorado</b><br/><i>Physical Therapy Compact</i><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i><br/><i>EMT Compact</i><br/><i>PsyPact</i></p> | <p><b>Hawaii</b><br/><i>None</i></p> <p><b>Idaho</b><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i><br/><i>EMT Compact</i><br/><i>Advanced Practice Nursing Compact</i></p> <p><b>Montana</b><br/><i>Physical Therapy Compact</i><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i></p> <p><b>Nevada</b><br/><i>Interstate Medical Licensure Compact</i><br/><i>PsyPact</i></p> <p><b>New Mexico</b><br/><i>Nurse Licensure Compact</i></p> | <p><b>Oregon</b><br/><i>Physical Therapy Compact</i></p> <p><b>Utah</b><br/><i>Physical Therapy Compact</i><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i><br/><i>EMT Compact</i><br/><i>PsyPact</i></p> <p><b>Washington</b><br/><i>Physical Therapy Compact</i><br/><i>Interstate Medical Licensure Compact</i></p> <p><b>Wyoming</b><br/><i>Interstate Medical Licensure Compact</i><br/><i>Nurse Licensure Compact</i><br/><i>EMT Compact</i><br/><i>Advance Practice Nursing Compact</i></p> |
|---|--|---|

**CSG West Conference**

**Big Sky, MT**

**July 2019**



**Nurse Licensure Compact:  
Two Decades  
Regulatory Impact**

**Joey Ridenour RN MN FAAN**

**Arizona**

# Policy Goal:

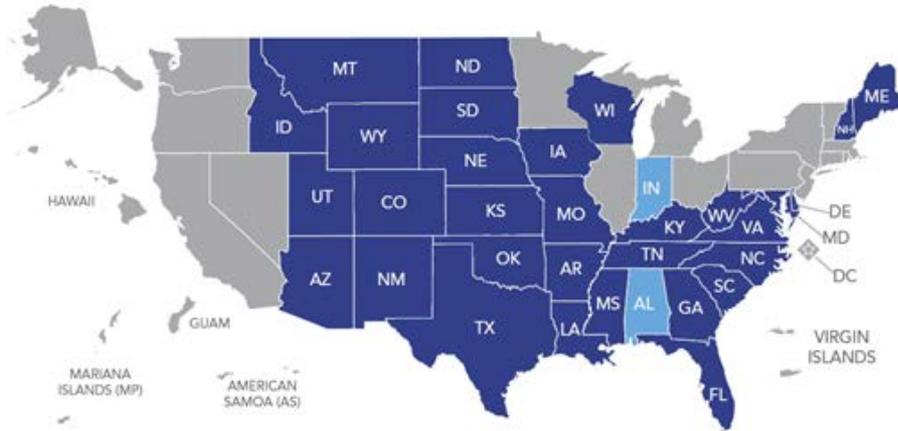


**Enhancing Access to Nursing Care Across the Nation**



# NLC States - 1,835,313 Multi State Licenses

(Source Nursys: 7/8/2018)



■ NLC States  
■ KS and LA implement on 7/1/19  
AL implements on 1/1/20  
IN implementation is TBD

Currently 31  
Member States  
a Nurse with a  
Multistate  
License can  
Practice

2 states  
implementation  
TBD





# The Intersection of Compact Law & State Law

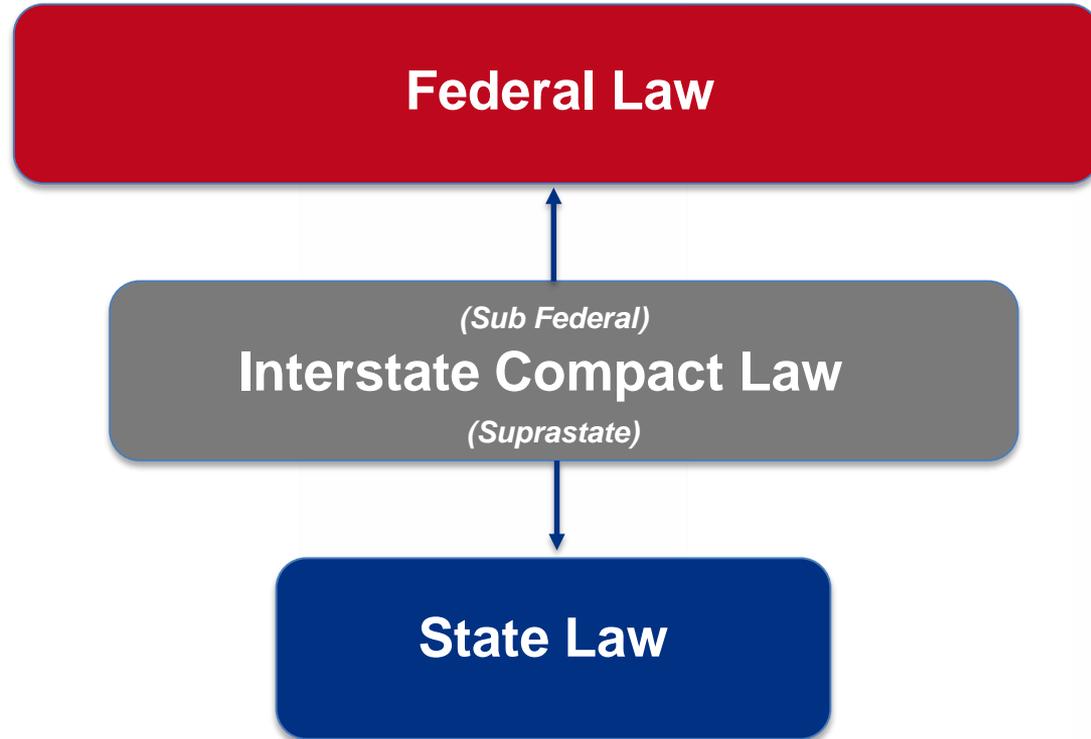
A statutory agreement between two or more states established for the purpose of remedying a particular problem of multistate concern

Each party state is a signatory to the same contract. For that reason, there is a need for “substantive sameness”

Compact bound together by “identical language”



# NLC Law: New Quasi Governmental Structure



# What is the NLC?

- One state based license issued locally & recognized nationally
- Authorizes an RN or LPN/VN holding one multistate license in the primary state of residence to practice (physically or via telehealth) in any compact state



# Regulatory Impact:

## #1. Decreases Licensure Redundancies

- Ability to practice in multiple states with one MSL license
- Reduces regulatory requirements by removing necessity for obtaining a license in each state
- Clarifies a nurse's authority to practice in multiple states via telehealth



# Regulatory Impact:

## #2. Cost Effective for Nurses & Employers

- **Nurses** do not have to obtain additional nursing licenses, making practicing across state borders affordable & convenient
- **Employers** do not have burdensome expense for nurses who need multiple licenses



# 22+ Positions Typically Pay for Multiple Licenses

- Nurse Case Managers
- Occupational Health Nurses
- Transport Nurses
- Ambulatory Care Nurses
- Distance Educators
- Travel Nurses
- Triage Nurses
- Home Health Nurses
- Emergency Room Nurses
- Hospice Nurses
- Acute Care Nurses
- CNOs
- Nurses near borders & work in the adjacent state
- Telephonic Nurses
- Wellness Nurses
- Military Spouses
- Military, V.A. or Federal Nurses Practicing in Civilian Facilities
- Dialysis Nurses
- Camp Nurses
- Utilization Review Nurses
- Workers Compensation Nurses
- Nurses in Insurance or Managed Care



# Regulatory Impact:

## #3. Adapts Licensure for Telehealth

- Nurses can practice in multiple states with one license
- Increases patient access to care in rural communities
- Enables care continuity for patients regardless of their location



# Regulatory Impact:

## #4. Reduces License Redundancies for Online Nursing Faculty

- July 2019: 368 Accredited Online Nursing Courses in all states/territories
- Nurse educators teaching online courses outside their jurisdiction, need to obtain a license in every state students are enrolled in didactic & clinical courses
- Faculty & colleges benefit significantly



# Regulatory Impact:

## #5. Faster Emergency Disaster Relief

Allows nurses to immediately cross state borders & provide vital services in the event of a natural disaster or other emergency, without the need to wait for a declaration of emergency



# Regulatory Impact:

## #6. Fosters Quicker Employment Military Spouses

Allows military spouse nurses with MSL to continue working without having to obtain new license each party state they relocate



## Regulatory Impact:

# #7. Immediate Hiring of Nurses with MSL in Party States

Employers:

- When a nurse with multistate license is being recruited by an employer in another NLC state, the nurse can be available to the prospective employer immediately since the nurse already has the authority to practice in that state



## Regulatory Impact:

# #8. Rapid Communication Investigations & Disciplinary Actions

- Disciplinary action may be taken against the license or the privilege to practice when nurse violates state laws
- Member states may take adverse action, including revoking a privilege to practice in their state, even while the nurse is still under investigation

Adverse actions are reported in one depository known as Nursys within ten days



# Regulatory Impact:

## #9. Authorizes Discipline Beyond State

Such provisions provide for a “stronger & more efficient state board enforcement in the context of modern cross-border practice in which state lines are often blurred”

- UAA, supra note 60, at 1-2



# Regulatory Impact:

## #10. Share Complaint Information to Protect Public Beyond Geographical Boundaries

Shared sovereignty & responsibility for patient safety not governed by geographical boundaries



# Regulatory Impact:

## #11. Reduces Reciprocal & Duplicative Board Actions

- 31 states working together to assure patient safety
- New process to isolate or limit ability to practice on Privilege to Practice
- Reduce reciprocal & duplicative board actions
- Uniform statutes, rules and policies applicable to & enforceable upon all compact states



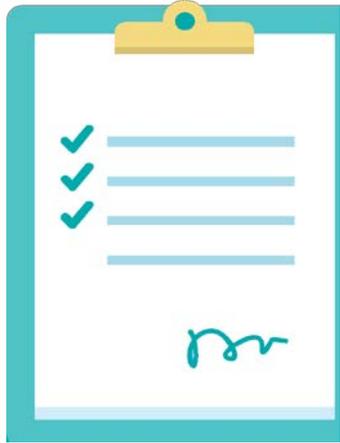
# Regulatory Impact:

## #12. Harmonizes State Licensure

- Standardizes state licensure requirements known as Uniform Licensure Requirements (ULR's)
- Builds confidence nurses practicing in multiple states have same qualifications



# 11 Identical Licensure Requirements



To receive a **multistate** license, a nurse must:

- 1) Meet the home state's qualifications
- 2) Graduate from qualifying education program or graduated from a foreign program verified by independent credentials review agency
- 3) Passed English proficiency exam if foreign graduate



# Uniform Licensure Requirements (Continued)

- 4) Pass the NCLEX-RN® or NCLEX-PN® exam (or state board test pool exam)
- 5) Have no active discipline on a license
- 6) Submit to state/federal fingerprint-based criminal background check
- 7) Not currently enrolled in an alternative program



# Uniform Licensure Requirements (Continued)

- 8) Self-disclose participation in an alternative program
- 9) Have no misdemeanors related to practice of nursing as determined by the state board of nursing on a case by case basis
- 10) Have a valid U.S. Social Security number
- 11) Have no prior state or federal felony convictions

NOTE: A nurse who does not meet a requirement may receive a single state license.



## Regulatory Impact:

# #13. Disqualifiers for MSL Same All Compact States

Disqualifying event = ineligibility to retain or renew MSL:

- any adverse action
- current participation in an alternative program
- a misdemeanor offense related to the practice of nursing or a felony offense



## Regulatory Impact:

### #14. Process for Rulemaking Mirrors APA Model

- Rulemaking for interstate compact rules is unique-viewed as independent & separate from state or federal rulemaking processes
- NLC has modeled the process to mirror APA's model acts



# Rulemaking

The procedural requirements include:

- Notice to the public of proposed and adopted rules
- Opportunity for comment
- Opportunity for public hearing
- Consideration and voting upon proposed rules
- Responding to comments received



# Regulatory Impact:

## #15. Practice Location Affirmed by National Boards for Medicine, Nursing & Pharmacy

A nurse must have the authority to practice in the state where the recipient of healthcare is located at the time service is provided

*“As the organizations representing...state...licensing boards...that regulate the practice of medicine, pharmacy and nursing, ... (we) affirm that in a consumer protection model, health care practice occurs where the recipient of healthcare services is located.”*

Source: The Tri-Regulator Collaborative Position Statement on Practice Location for Consumer Protection



# Regulatory Impact: NCSBN IT Data System -Nursys

IT data system fastens together information system  
between all states/territories

National database that is free & allows employers &  
public verify multistate & single state licenses & privileges  
to practice



# Authorization to Practice

The maps and list view provide information showing in which states this nurse has current RN and/or PN authorization to practice. *(APRN will not be included)*



### RN Authorization to Practice for JAMIE WALLACE

[RN map](#) [List view](#)

Legend:

- Authorization to Practice
- No Authorization to Practice
- Contact Board of Nursing
- Non-Participating

TENNESSEE

**i** Non-participating: HI, LAPN, OK. APRN authorization to practice details are not available.

#### RN Authorization to Practice Details

✓ TENNESSEE: This nurse **has authorization to practice** as an RN in TENNESSEE because they hold a **multistate** RN license from KENTUCKY. This is **based on information provided to Nursys** by the TENNESSEE and KENTUCKY boards of nursing.

# Common Questions



# How is Primary State of Residence (PSOR) defined?

- Signed Declaration of PSOR form
- State Where Applicant Can Prove Legal Residence
  - Drivers license with home address
  - Voter registration card with home address



# What are the Requirements for Military Spouses? (Not the same as Military/VA personnel)

The NLC applies to military spouses in the same way it applies to other non-federal nurses

The military spouse may practice with a multistate license throughout successive military relocations while maintaining legal residency in a home state/domicile state/home of record



# Which State Requires My Continuing Education (CE)?

The state which issued your multistate license

If you hold any non-compact state licenses, each such state may have their own CE requirements



# Which Nurse Practice Act Do I Follow When Practicing in a Remote State?

The state of practice, i.e., the state in which the patient is located at the time nursing service is provided



# What Are the Requirements of Member States?

- Preconditions of member states:
  - conduct state and federal criminal background checks at initial and license by endorsement
  - fully participate in Nursys
  - share licensee investigation & disciplinary information with other member states
  - indicate in Nursys a persons participation in alternative programs & or if there is a significant investigations.



# Interstate Compacts for Healthcare Professions

## 6 Existing Compacts

- 1) Nursing- RN/LPN
- 2) Nursing -APRN
- 3) Physicians
- 4) Physical Therapists
- 5) Emergency Medical Technicians
- 6) Psychologists

## 8 In Development/ Explored

- 1) Occupational Therapists
- 2) Speech Pathologists / Audiologists
- 3) Nutritionists / Dieticians
- 4) Athletic Trainers
- 5) Physician Assistants
- 6) Social Workers
- 7) Counselors
- 8) Dentists



# Policy Goal



**Enhancing Access to Nursing Care Across the Nation**



# Summary: NLC Core Purpose

## Public protection benefits & 15 Regulatory Impacts

- Setting uniform licensure standards
- Promoting cooperation & collaboration between party state regulatory boards
- Facilitating exchange of data & information between party states
- Decreasing redundancies in issuance of licenses
- Facilitating states responsibilities to collectively protect the public's health & safety



# Thank you!

For information, contact:

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