

## Executive Summary

### *Responses for Occupational Licensing: Occupational Licensing Advisory Group*

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Response Rate: 16/25 (64% response rate)

#### **Q: How does Arkansas compare to other states for occupational licensing?**

1. One of the Worst	2. Below Average	3. Average	4. Better than Average	5. One of the Best
13.33%	0%	46.67%	33.33%	6.67%

Total Responses: 15

**Weighted Average: 3.2** (slightly higher than average)

#### **Q: Do you represent an entity that has an occupational license or certificate?**

- Yes: 81.25%
- No: 18.75%

#### **Q: If you represent an entity that has occupational licensing:**

- ***Do you think costs associated with your license are too high?***
  - No
  - No
  - No
  - No
  - No
  - No
  - No. Our agency does not receive state funds, and the costs associated with our licenses and installation decal program account for approximately two-thirds of our annual budget, with the other third coming from federal funds through our Cooperative Agreement
  - The ADH has multiple licensing groups. For my actual section, no.
  - No
  - No
  - No. Well within national average
  - Yes
  - No
  - We are always looking for ways to reduce cost

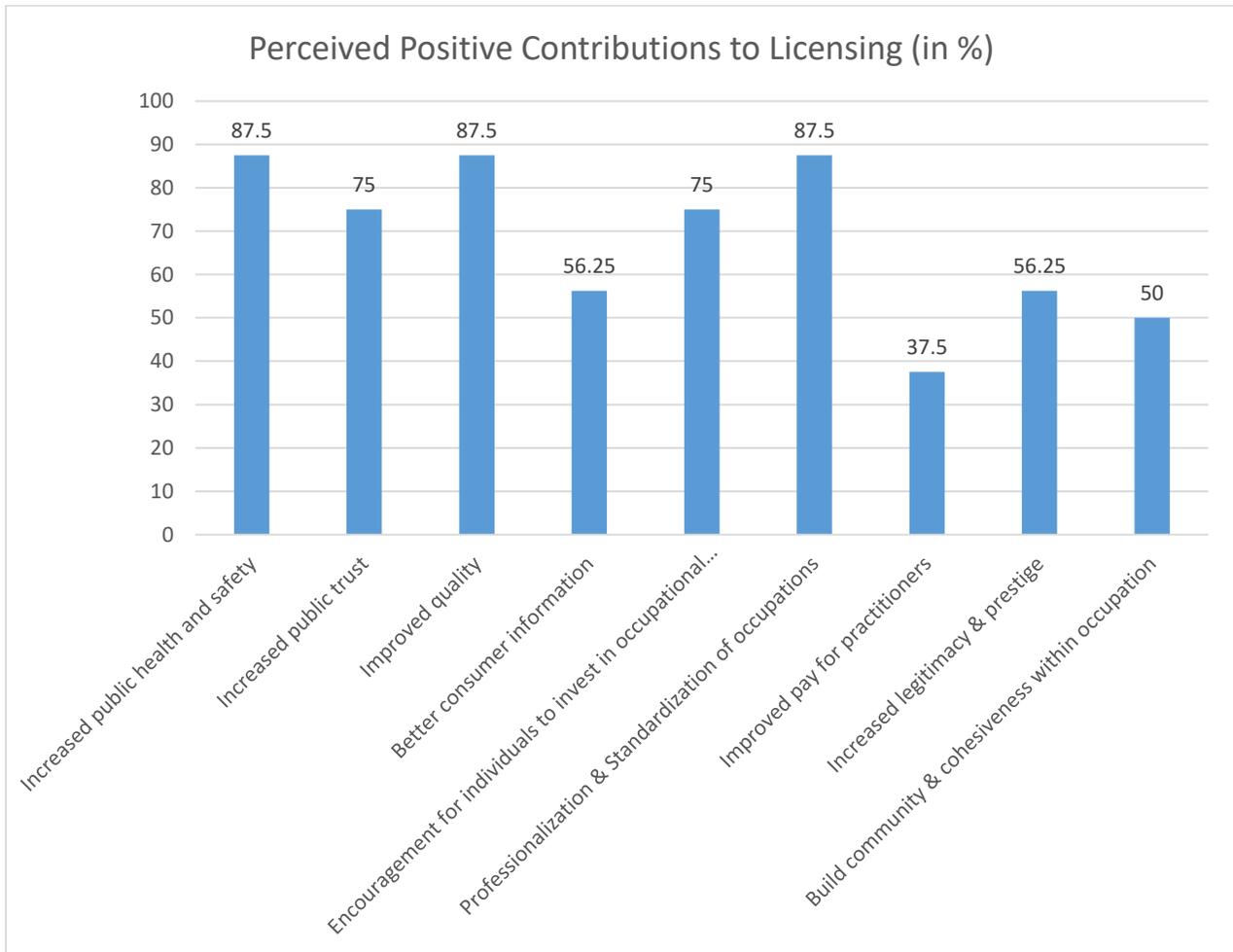
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- ***Do you think the education requirement is too stringent?***
  - No
  - No
  - No
  - No
  - There are none
  - No
  - No. Our education requirements focus on Installers of manufactured housing, and our requirements and processes make it possible for to obtain a license in one day. We also have a mechanism to accept continuing education credit taken in other states.
  - For Plumbers, yes.
  - No
  - No
  - No. 8th grade or equivalent
  - No
  - No
  - Not at this time
  
- ***Are there changes that your agency/ institution could make to eliminate red tape?***
  - Yes
  - Yes
  - No
  - Move toward online application processing
  - Yes
  - Improved Licensing Management System (technology) to improve licensing processes. Currently working with DIS on this
  - Our agency has an ongoing track record of implementing effective changes, which would allow for the reduction of red tape (e.g., A new installer can potentially obtain a new license in an hour or so).
  - Maybe in some cases.
  - We have made many changes over the past 1.5 years.
  - No
  - We already have removed felony restrictions (other than sex offenders).
  - Yes
  - We have streamlined our educator licensure process
  - We are constantly working on our efficiency rating

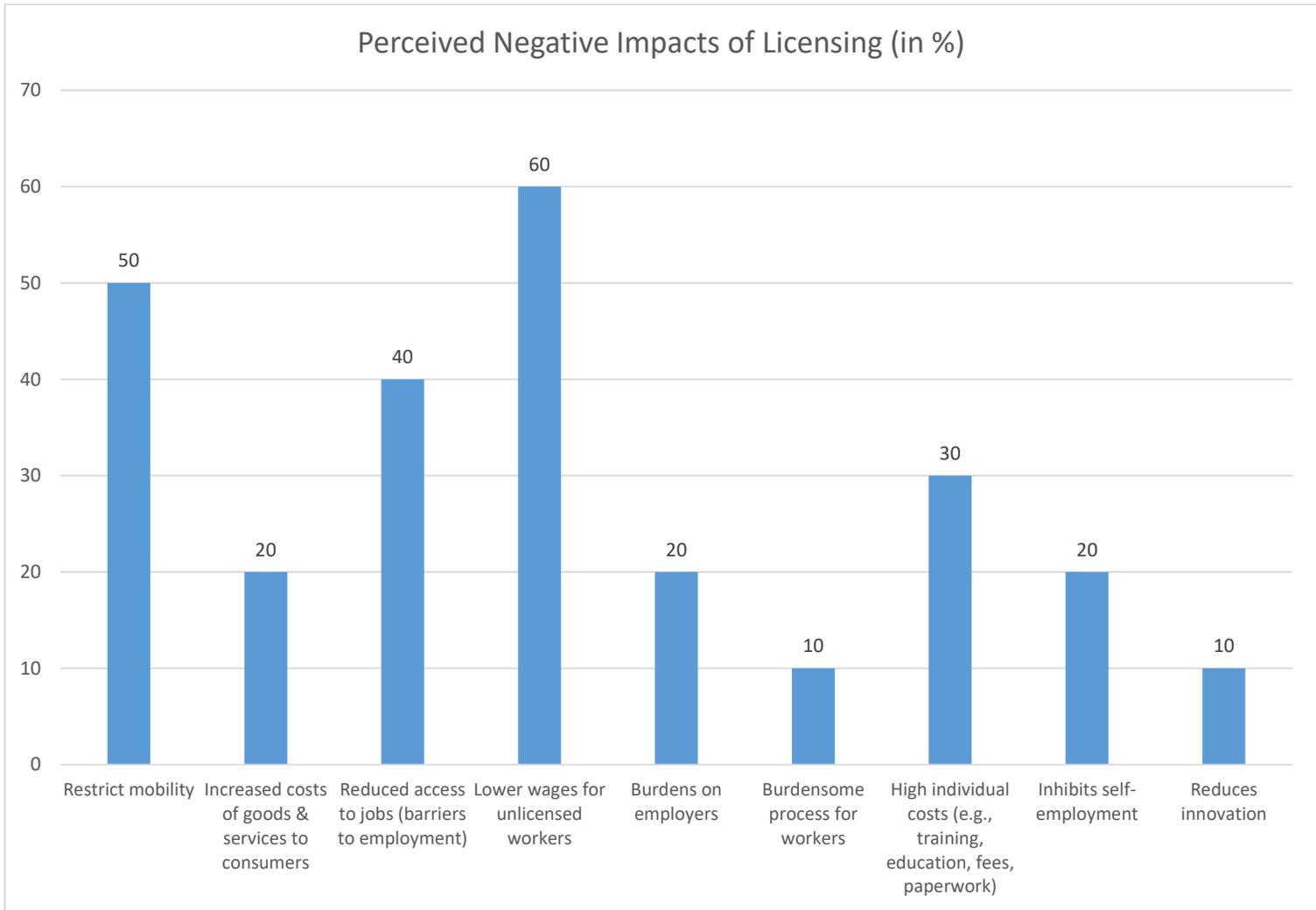
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- ***What are the weaknesses/ barriers to your specific licensing process, if any?***
  - For veterinary technicians - not having the option to be licensed by reciprocity
  - No answer
  - None
  - Online application submittal not available for all types
  - The experience requirements can be too high at times, but that is not generally true.
  - Beginning year backlogs caused by licensees' failure to renew. System and processes are designed for those who satisfy educational and other requirements routinely.
  - It seems to me our licensing process is well constructed and quite efficient. I have not identified any requirement I would view as a barrier; however, if one did hold such a view, toward a particular requirement, our rules allow the applicant to request a waiver of any requirement/s.
  - None that I know of
  - None.
  - None
  - The only weakness is when someone from another state applies for endorsement and they do not have the required number of hours.
  - Lack of Expertise, Not enough staff
  - Some individuals have not been able to successfully pass the assessment(s).
  - We are proactive in responding to any raised concerns
  
- ***What are the strengths of your specific licensing process, if any?***
  - It is simple and straight forward, and can usually be accomplished in a short amount of time.
  - They have some of the highest Compilation ratio
  - Life safety of the residents of Arkansas
  - Criminal background in appropriate licenses, board certification for certain licenses, online application option for some
  - The process is very fast, very limited testing that is available 6 days a week.
  - Knowledgeable and skilled staff even with turnover. Established performance goals for processing licenses.
  - As stated above
  - Proper vetting and requirements of individuals that provide services
  - We have an online system to communicate with applicants and we require online license renewal.
  - Required education and national licensure exam help ensure competency
  - With only 187.5 days of training, you may be licensed after a 75% grade on your practical and written examination.
  - Process is Relatively easy
  - Online Applications, both initial and renewal; cost; licensure requirements
  - Thorough process to ensure safety & capability

**Q: What positive contributions do occupational licenses produce for Arkansas?**



**Q: What negative impacts do occupational licenses produce for Arkansas? (select all that apply)**



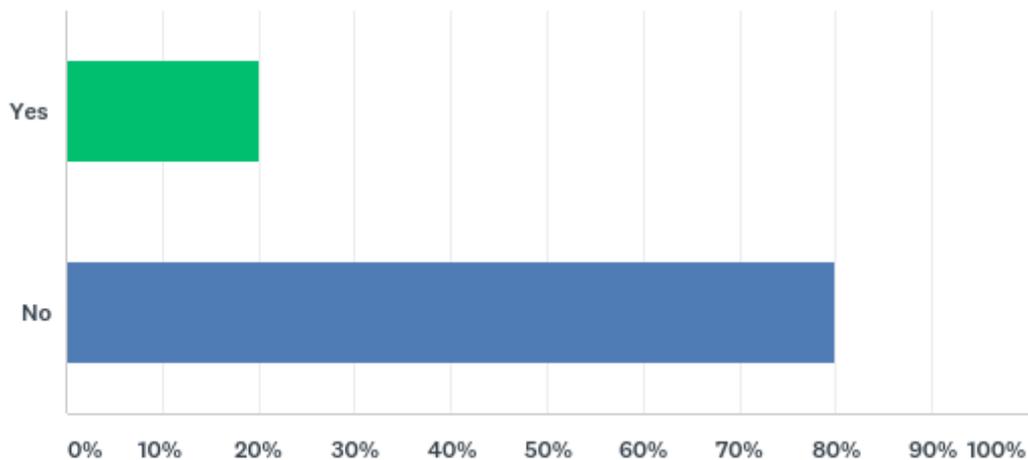
**Q: Should the advisory group focus on specific licenses? (if yes, which ones in particular?)**

- Not at this time
- I believe the most important reason licensing exists is for the protection of the public. If there are licenses out there that would have a small negative impact on public protection if they did not exist, then that might be where you need to look first.
- Ones that are not a threat to public health and safety
- I believe that some licenses could be combined into one, and a certification could be done versus licensing requirements
- No, it should look at doing things better across the board.
- Any that lack a component of consumer protection. Any that encompass any turf protections by incumbents.
- 1) Licenses without a federal mandate. 2) Licenses not required in all states. 3) Licenses which are only required in Arkansas. 4) Licenses which do not contain a moderate to high level of risk for safety and/or consumer financial protection.
- Group should focus on licenses that clearly do not provide a health & safety mission. Until all license groups are properly reviewed, unsure of which ones.
- Unknown.
- Insurance sales agents, physical therapy assistants, private detectives and investigators, security guards, skin care specialists, teacher assistants (substitute teachers), veterinary technicians, water and wastewater treatment plant system operators, towing and recovery, auctioneers, floor sander contractors, milk samplers, gaming machine testing license, cemetery board, owners, trainers, jockeys and all employees working on track grounds,
- Only those Boards and Commissions who have not complied with 17-1-106 as established by Act 848(2015) and Act 248(2017) mandatory provisions. Alternatively, achieving positive outcomes by focusing on results.
- Not sure
- N/A

**Q: What do you see as viable alternatives to current licensing practices?**

- More study required
- Licenses should remain in effect for those professions in which there are a lot of public health and safety concerns. But in some situations in which you have only a certification or registration, you might be able to make those voluntary vs. mandatory. That could potentially reduce barriers into the workforce, and the choice would then be up to the public to decide if they were comfortable using someone for something who wasn't certified or registered.
- Certifications maybe
- Some occupations could be certified vice licensing.
- There are some licenses that could be registration instead.
- Registration, voluntary certification, financial assurances through mandatory errors and omissions insurance, bonding etc.
- May be in some cases, but depends on the occupation.
- None as it relates to the licenses issued by the Arkansas State Medical Board
- Possibly certification, but that is only a credential that private entities provide after passing an exam. "Certified Mechanic" for example.
- Central license authority (umbrella) for all independent boards and commissions unless found to be producing results though proactive and innovative actions. Broader adoption of interstate compacts. Elimination of occupations requiring a license ... using national certifications as one means. Combination of boards and commissions. Annual performance reporting metrics or alternatively mandatory live metrics viewed on website.
- Not sure
- N/A

**Q: Is occupational licensing a problem for Arkansas?**



**Q: Are there specific licenses the committee should avoid attempting to reform?**

- All should be reviewed to determine exclusion
- Yes, anything that if taken away would have a high negative impact on public health and safety. I feel that public protection is of the utmost importance.
- Electrical License plumbing license heat and air license
- Jobs that can threaten health and safety
- Electrical plumbing medical related and legal occupations
- Any that address occupations for which a consumer can be subjected to a medium to high risk paired with a medium to high likelihood that problems can incur
- Licensing with federal mandates and high levels of risk.
- Maybe those clearly related to the medical field.
- Healthcare
- Healthcare providers and those which are critical to maintaining public safety. If incompetence could result in major harm to the public, regulation is needed.
- Any license which emphasizes the necessity of providing a safe and healthy workplace and the prevention services to defend against threats to public health
- No
- Not sure
- Educator licensure

**Q: What role should government play in licensing?**

- To insure the protection of the public
- Again, helping to make sure that the public is protected.
- To Enforce what we have
- Law makers that have a conflict of interest should not be on a board or committee.
- Ensure compliance with licensing. if licensing is required for some occupations better enforcement and penalties for those performing work unlicensed
- Establishment of licensure laws and implementation of laws, processing of license and tracking of license, letting public know who is licensed and licensing standards
- For licensing, it has to be a government process
- Ensuring minimum knowledge, skills and abilities are maintained by practitioners engage in activities for which a license should be required.
- It appears this can only be answered subjectively. In my view, until such time as the natural tendency of persons changes from doing as little as possible and taking as much as possible, to doing as much as possible and taking only what is necessary, then it seems to me a regulatory body will continue to be necessary. How best to accomplish what should be the major goals of regulatory oversight (e.g., public health and safety, minimizing financial risk) is up for debate. However, from my personal perspective, having worked as an installer in the industry which I now help regulate, I can confidently say licensing appears to be a critical component of meeting the major goals of regulatory oversight.
- Licensing should be required if the occupation can impact public health and safety.
- Ensuring there are no unnecessary barriers to entering the specific profession and promote removal of barriers. For example licensure compacts promote mobility of the practitioners and still maintain public safety
- Ensure that appointed board members safeguard public health and safety, protect consumers with minimum educational requirements within their field, support career development and step in when a board fails.
- Protect public safety solely.
- Very limited Provide legislation on required areas and allow stakeholders/ content experts to provide input on standards and rules

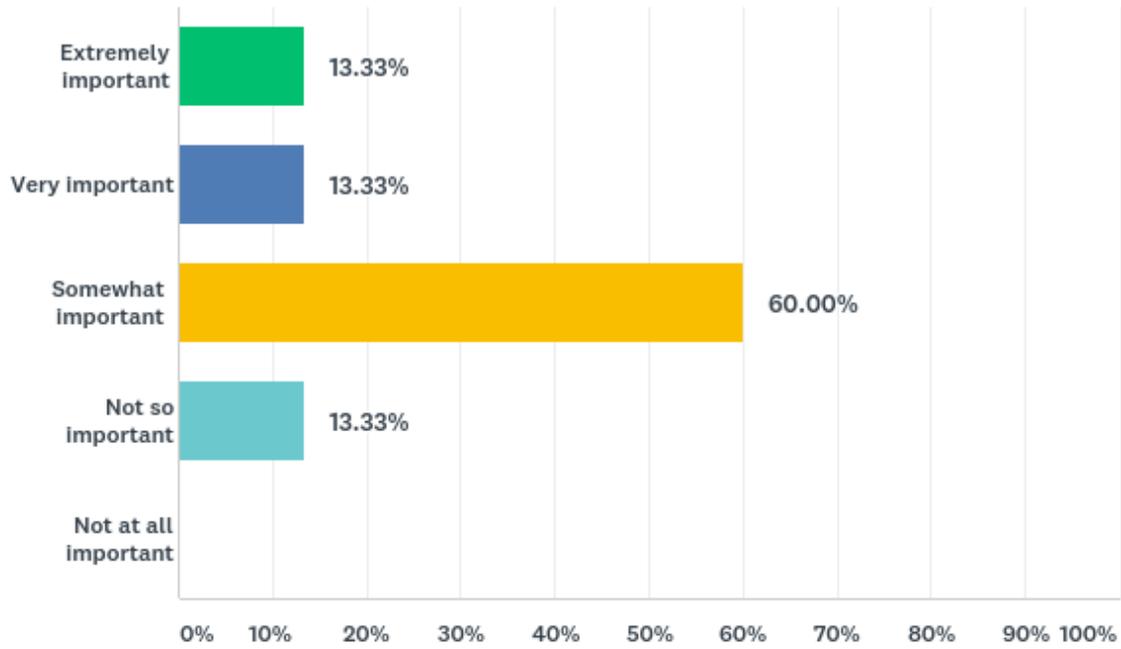
**Q: Occupational certification is preferential to occupational licensing**

Agree:	12.5%
Neither Agree nor Disagree:	37.5%
Disagree:	50%

**Q: Registration is preferential to occupational licensing?**

Agree:	12.5%
Neither Agree nor Disagree:	25%
Disagree:	62.5%

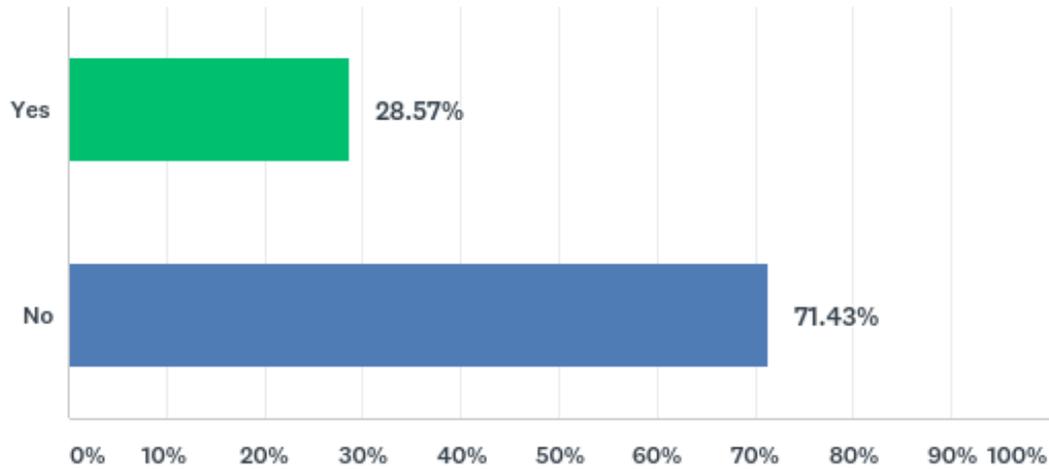
**Q: How important is structural change in how the state handles licensing?**



**Q: What issues are most important for the advisory group moving forward?**

- Complete evaluation of the process across the spectrum of registration and certification to improve efficiency and accessibility
- Again, public health and safety to me is important, and also identifying any unnecessary barriers to the workforce.
- They Should not lower any standards that would jeopardize safety of consumers
- Protect the public at all cost
- Examination of current licensing and having some agencies work better together to accomplish a common goal
- Looking for ways to streamline process, eliminate unnecessary requirements, but keeping public protection in mind as a key factor
- Burdensome regulations, excessive cost, regulations that encompass turf protection.
- Identifying areas of necessary reform, in that they are legitimately problematic and not federally mandated. It seems this will require some type of measure as well as potentially be licensing entity specific.
- A clear mission of what is expected and how to get there...and then a fair & proper review of the license in question to see if it serves the public good.
- To make objective findings as it relates to best practices.
- Make sure changes are well vetted and not result in unintended consequences
- 1. Ensure that licensing requirements are not overly burdensome 2. Improve portability of licenses across state lines 3. Improve on public safety and consumer protection
- Measuring success by keeping public safety top principle but metrics measuring speed on which we can grow our workforce expediting occupational licensure and lowering cost.
- Making sure that the changes made are put into law.
- Examine the process for individual licensing groups and not make a global decision that impacts all groups

**Q: Would you support establishment of a centralized state agency to manage and monitor occupational licensing?**



**Q: Are you aware of any resources that may be beneficial for the advisory group?**

- Not at this time
- Not specifically, but I do think it would be great for each person to reach out to their counterparts in other states that are going through or have already gone through a similar process.
- No
- Not at this time
- look to states that border Arkansas and see what licensing or lack of licensing has done for that state, i.e. insurance claims, legal actions
- No
- Regulatory trade associations such as CLEAR, AARO, NAIC and ARELLO
- No
- There are reports for nursing (CORE) which show that when services for many professions are shared, there is an increase in cost to the state and the time it takes to issue a license, complete an investigation and take disciplinary action drastically increases.
- As Dr. Slagle indicated in his presentation, there are cases of comparing apples to oranges. Hopefully, we will be able to decipher information we currently have.
- Yes. Considerable work by DoD on behalf specifically of military spouses. 2014- Syracuse Univ Institute for Veteran and Military Families -- Military Spouse Employment Survey 2017- Univ of Minnesota Military Spouse License Portability Survey
- No
- For Educator Licensure: The Council of Chief State School Officers Southern Regional Education Board National Council for Teacher Quality

**Q: Are there areas where you would like more information and data?**

- Not at this time
- Salary range of certain occupations compared to education and licensing costs to enter that profession.
- What other state around are doing. But caution what other states are doing ask the question is that good for Arkansas, or for some lawmaker
- Insurance claims and legal issues from border states
- Correct data on Arkansas licensing. The data provided is incorrect in many ways
- Need more objective surveys/information. Market has been flooded with opinion based reports.
- 1) In order to evaluate ongoing licensing reform, we need information on which licensing entities currently have ongoing/pending licensing reform. 2) For other states which have implemented a centralized state agency to manage and monitor occupational licensing, it seems a more complete understanding of what is meant by "manage" and "monitor" is necessary in order to form an opinion as to whether one should support the creation of a similar entity in Arkansas. Additionally, what states have working models for centralized management in which there is a positive impact on efficiency?
- Not yet sure, but probably as things move forward.
- Not at this time
- How do states make sure agencies, boards and commissions comply and apply statute in rulemaking or not rulemaking?
- N/A

**Q: What do you see other states doing that Arkansas should be doing?**

- No comment at this time
- A lot of other states do have centralized professional licensing departments, but the feedback I always get from my licensees is that they are a nightmare to deal with, and they love it when they call my office and me. On the other hand, as a one-person office, the workload in the office is usually pretty burdensome. It would be nice for Arkansas to explore a happy medium between the two scenarios.
- Haven't researched it yet
- Allowing occupations to operate with a degree or national certification without state testing.
- Grouping like agencies together for efficiency. Grouping agencies into a massive bureaucracy only creates more red tape and creates less efficiencies.
- More licensure reciprocity, recognition and portability. Licensing compacts deserve a look but may not be the answer.
- Nothing at this point.
- Arkansas should NOT do what some states are doing. I see states combining licensing boards and losing their identity and knowledge of each profession. It is extremely difficult to get to the right person to get an intelligent answer to a simple question. Illinois, Louisiana, Maine, Massachusetts, New York, Texas, and Utah have a centralized licensing agency, and each has a burdensome effect on the licensee when trying to get help with a problem.
- Measure and report performance (Washington)  
<http://lawfilesexet.leg.wa.gov/biennium/201718/Pdf/Bills/Session%20Laws/Senate/5359.SL.pdf#page=1>  
<http://download.militaryonesource.mil/12038/USA4/2017/one-pagers/Evaluating-State-ActionsOPI10.pdf>
- Not sure what other states are doing
- In the area of Educator Licensure, we have ongoing conversations/ dialogues on educator licensure with other states.

**Q: Are you aware of any efforts by Arkansas licensing authorities to develop reciprocal agreements to recognize licenses from other states?**

- Yes
- No
- Yes
- State Department of Labor (Electrical Licensing Section)
- Yes
- Yes. The Contractors Licensing Board has long had reciprocal agreements with surrounding states. They are currently trying to broaden those agreements as well as reaching out to other states.
- The Arkansas Real Estate Commission actively explores areas where interstate activities can be facilitated. AREC has reciprocal agreements with sixteen states.
- As far as our agency, we have a mechanism by which we can accept education taken in other states, in order to ensure licensure in Arkansas is as streamlined as possible.
- Yes
- Many health professions are moving forward with licensure compacts. Arkansas joined the nursing compact in 1999 and there have been no major issues with public safety. Actually there is better communication among states and thus improved patient safety. There are many challenges to implementing a compact in which financial is a big one.
- Board of Barber Examiners welcomes by reciprocal agreement, barbers from other states who have completed the same number of hours or who have worked in the same licensed profession for at least one (1) year.
- No
- Yes
- In educator licensure, we have a process for reciprocity.

**Q: Do you know of any reforms that licensing agencies have already enacted?**

- We have made several improvements over the last two years to facilitate a smoother application and renewal process on several of our programs
- No
- No
- No
- Unknown at this time
- Yes. The Contractors Licensing Board has (1) raised the threshold as to when a license is required on commercial projects to \$50,000 (2) eliminated the need to provide proof of workers compensation coverage for the majority of residential and home improvement contractors (3) reduced the experience requirement for almost all commercial classifications from 5 years to 1 year. (4) Reduced the financial statement requirement for almost all commercial contractors from a reviewed financial statement to a compiled financial statement.
- Not recently.
- No, but not fully knowledgeable of what other Boards / agencies are doing.
- It is important to look not only at regulations but also internal processes to determine if antiquated steps are taken prior to licenses being issued.
- Board of Barber Examiners have made it easier for felons to get in the work force (with the exception of registered sex offenders).
- Yes
- The Arkansas Department of Higher Education has joined the State Authorization Reciprocity Agreement (<http://nc-sara.org/>)
- No, I am not aware of any reform efforts.

**Q: Please answer the following questions concerning anti-trust issues:**

- **Do you think it is important to evaluate Arkansas licensing authorities in terms of their susceptibility to future anti-trust issues?**
  - Maybe
  - Yes
  - Yes
  - Yes
  - Yes
  - Review yes, over react, no.
  - Absolutely
  - Yes
  - After the NC Dental Board case with the FTC, this always must be considered in all actions No
  - Yes
  - Not sure what this means
  - Yes

(Continued on next page)

- **Are you aware of any licensing authorities where concerns might exist with regard to susceptibility to future anti-trust issues?**
  - Not at this time
  - No
  - No
  - No
  - No
  - No
  - Any that regulate business activities
  - No
  - No
  - No
  - Not sure what this means
  - No
  
- **If yes, please explain**
  - Many new business models are constantly appearing in the private sector. Caution has to be exercised whenever current regulations prohibit or deter a new model or marketing concept, etc

**Q: Additional comments:**

- It is critical to not throw the baby out with the bathwater. There are changes that need to be made and can be made, however, those changes should be made thoughtfully and knowingly. Some of the questions were difficult or next to impossible to answer without being able to explain the answer. For example, there are in fact times when a registration process is preferable to a license process. However, that is in a case by case basis, not across the board, one way or the other.
- There's always room for improvement; however, we have to be cautious about creating internal bureaucracy that causes licensing entities to become less efficient and less capable of performing their functions, especially with regard to consumer protection.
- There are a lot of licenses to review and the group is not represented by all. A lot of work to do in a short time if it is to be done right.
- I am available to present on impact on readiness and family well being of Military and Military Spouse occupational licensure ... beyond the one slide Dr. Slagle gave the subject that has been ongoing since 2009.