

West Virginians Beware of Senate Bill 218
Op-Ed to Charleston Gazette Mail

West Virginians beware.

In the opening days of the 2020 legislative session, Charleston lawmakers approved an early version of a bill that could jeopardize the health, safety, and welfare of every citizen in the Mountain State.

This is no exaggeration.

In its current form, the so-called "[Occupational Licensing Consumer Choice Act](#)" would eliminate our state's rigorous licensing requirements not just for occupations, but also for highly complex, technical professions like architecture.

This measure is a wildly inappropriate and dangerously overbroad overreaction that threatens the rigorous professional licensing standards that currently protect the public's physical and financial well-being.

Current professional licensing standards accomplish this important goal by keeping unqualified, unaccountable, and unscrupulous practitioners out of our state.

Moreover, rigorous licensing requirements ensure that dedicated, qualified, experienced professionals like architects will stay in West Virginia where they can contribute to our economy and communities because they know their hard-earned expertise is valued by our citizens. The last thing West Virginia's struggling economy needs is another "brain drain" where young professionals with the highest levels of education, examination, and experience move to other states in our region.

There are more than XXXXX licensed architects practicing in West Virginia today. West Virginians can take comfort and pride knowing that the houses and apartments where we sleep, the buildings where we work, the schools where our children learn, and the stadiums where we cheer our Black Bear, Nailers, Mountaineers and Roughriders were designed by licensed professional architects.

Supporters of the bill argue that a *laissez faire* system where it is left to the marketplace to weed out bad practitioners is sufficient for all occupations and professions in our state. As a licensed architect for XXX years and a XXX-rd generation West Virginian, I believe this is a dangerously misguided and naive view. Corrective action by the free market *after* a poorly designed structure collapses will bring little comfort to those people who have already been harmed. The best way to ensure structures do not collapse in the first place is to continue to require they be designed by licensed architects and built by other licensed professionals.

When architects and our colleagues in certified public accountancy, engineering, surveying, and landscape architecture read overbroad proposals like Senate Bill 218, we are deeply troubled because it is not hard to imagine it will have the unintended consequence of hurting the public we serve.

The public wants us to continue to be held accountable by an independent board of knowledgeable professionals rather than the whims of the free market. A survey conducted last year by Benenson Strategy group found that 71 percent of voters believe that licensing of certain occupations should be required unless it can be proven that eliminating licensing will not have a negative impact on public health and safety.

The public rightly expects a baseline level of competence, expertise, and accountability from professionals like architects. Without rigorous professional licensing requirements, the public's health, welfare, and safety would be placed in needless jeopardy as unqualified and untrustworthy practitioners swarm to our state to take advantage of our citizens undeterred by the licensing requirements that have kept the public safe for decades.

This bill shifts the burden to consumers to determine, for instance, if an architect has the expertise to design a public or private structure to ensure the safety of its occupants as well as those nearby. The public has no say in evaluating the architectural firm that designs their hospitals, schools, and public buildings, so no reasonable person could expect the public to be able to exercise "consumer choice." The current system of independent, expert licensing boards -- not by individual consumers - ensures that the architects who design the public structures that we all use are well-qualified. West Virginians deserve a better, more thoughtful, nuanced approach to reviewing our state's licensing than the one they are getting from Charleston now.

-West Virginia Signer