

Questioning Regulation

The Regulatory Landscape and Threats to Regulation

**112th Annual Meeting
Boston, MA**

October 27-30, 2019



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NASBA



What Standards Guide a Sunset Review?
Specific criteria defined
Questions Su
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The Occupational Licensing Relief and Job Creation Act

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THURSDAY OCTOBER 4, 2018 NORTH

Governor reduces need for occupational licenses

Executive order aims to make it easier for New Mexicans, military family members to find jobs

BY ELLEN MARKS ASSISTANT BUSINESS EDITOR

Professionals in certain occupations could practice without a state license if they have consumer consent, under an executive order signed by Gov. Susana Martinez on Wednesday. The order, which does not apply to medical-related professions, aims to "make it easier for New Mexicans to become licensed and find jobs," the governor said in a news release.

The order also will streamline the process for line the process for out-of-state professionals to transfer out-of-state licenses when they would otherwise have to re-apply. The order also allows for the use of alternative dispute resolution to remedy consumer harm.

level positions," Martinez said. "The order also will streamline the process for out-of-state professionals to transfer out-of-state licenses when they would otherwise have to re-apply. The order also allows for the use of alternative dispute resolution to remedy consumer harm."

ers of the lack of a license, and the customer signed a statement acknowledging the disclosure, the order says. However, that provision does not apply to occupations for which the state specifically requires a license, Martinez said.

HIERARCHY OF OCCUPATIONAL REGULATION OPTIONS

PRIVATE GOVERNANCE OPTIONS	Market competition
	Third-party or consumer-created ratings and reviews
	Private certification
PUBLIC REGULATION	Specific private civil cause of action or alternative dispute resolution to remedy consumer harm
	Deceptive trade practice act
	Regulation of the process of providing the specific goods or services to consumers
	Public inspection
COMMAND AND CONTROL	Mandatory bonding or insurance
	Registration
	Government certification
	Specialty occupational license for medical reimbursement
	Occupational license

State Boards of Accountancy Beginnings

36 State Boards of Accountancy have been in existence for more than 100 years – Beginning with the New York Board in 1896!

Alabama	1919	Montana	1947
Alaska	1960	Nebraska	1957
Arizona	1919	Nevada	1913
Arkansas	1915	New Hampshire	1921
California	1901	New Jersey	1904
Colorado	1907	New Mexico	1947
Commonwealth of the Northern Mariana Islands	2003	New York	1896
Connecticut	1907	North Carolina	1925
Delaware	1913	North Dakota	1913
Florida	1905	Ohio	1908
Georgia	1908	Oklahoma	1917
Guam	2003	Oregon	1913
Hawaii	1923	Pennsylvania	1947
Idaho	1917	Puerto Rico	1945
Illinois	1903	Rhode Island	1906
Indiana	1915	South Carolina	1915
Iowa	1927	South Dakota	1917
Kansas	1915	Tennessee	1940
Kentucky	1916	Texas	1915
Louisiana	1908	Utah	1959
Maine	1967	Vermont	1912
Maryland	1900	Virgin Islands	1957
Massachusetts	1909	Virginia	1910
Michigan	1905	Washington	1903
Minnesota	1909	Washington, DC	1981
Mississippi	1920	West Virginia	1959
Missouri	1909	Wisconsin	1913
		Wyoming	1911



What Standards Guide a Sunset Review?



THURSDAY OCTOBER 4, 2018 NORTH *****
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...still

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INTERNATIONAL REGULATION OPTIONS

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	Consumer-created ratings and reviews
	Private certification
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Governor 1
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BY ELLEN MARKS ASSISTANT BUSINESS EDITOR
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The American Legislative Exchange Council is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of *limited government, free markets and federalism*



To *limit the size and scope of government* power and to ensure that all Americans have the right to control their own destinies as free and responsible members of society



The Cato Institute is a public policy research organization – a think tank – dedicated to the principles of individual liberty, *limited government, free markets* and peace



Americans for Prosperity exists to recruit, educate, and mobilize citizens in support of the *policies and goals of a free society at the local, state, and federal level*, helping every American live their dream – especially the least fortunate



The Mercatus Center mission is to generate knowledge and understanding of the institutions that affect the *freedom to prosper*, and to find sustainable solutions that overcome the barriers preventing individuals from living free.



The Goldwater Institute is a national leader for constitutionally *limited government* respected by the left and right for its adherence to principle and real-world impact

What Standards Guide a Sunset Review?

- Specific criteria determine
- Questions



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Licensing requirements vary substantially by state, creating barriers to workers moving across State lines and inefficiencies for businesses —

Institute for Justice



Half Told Truths!

- They believe professional licenses create barriers to entering professions, and therefore handicaps the American worker.
- They also believe professions have a monarchic desire to retain control over their respective fields.
- They regard expertise as merely a cover for exclusion and monopoly.
- And they see licensure as a modern phenomenon.

Licensing Scheme Reform – Primary Tools

Licensure Elimination

- Complete De-Regulation
- Replacing Occupational Licensure with a less stringent form of oversight

Manage Existing Schemes

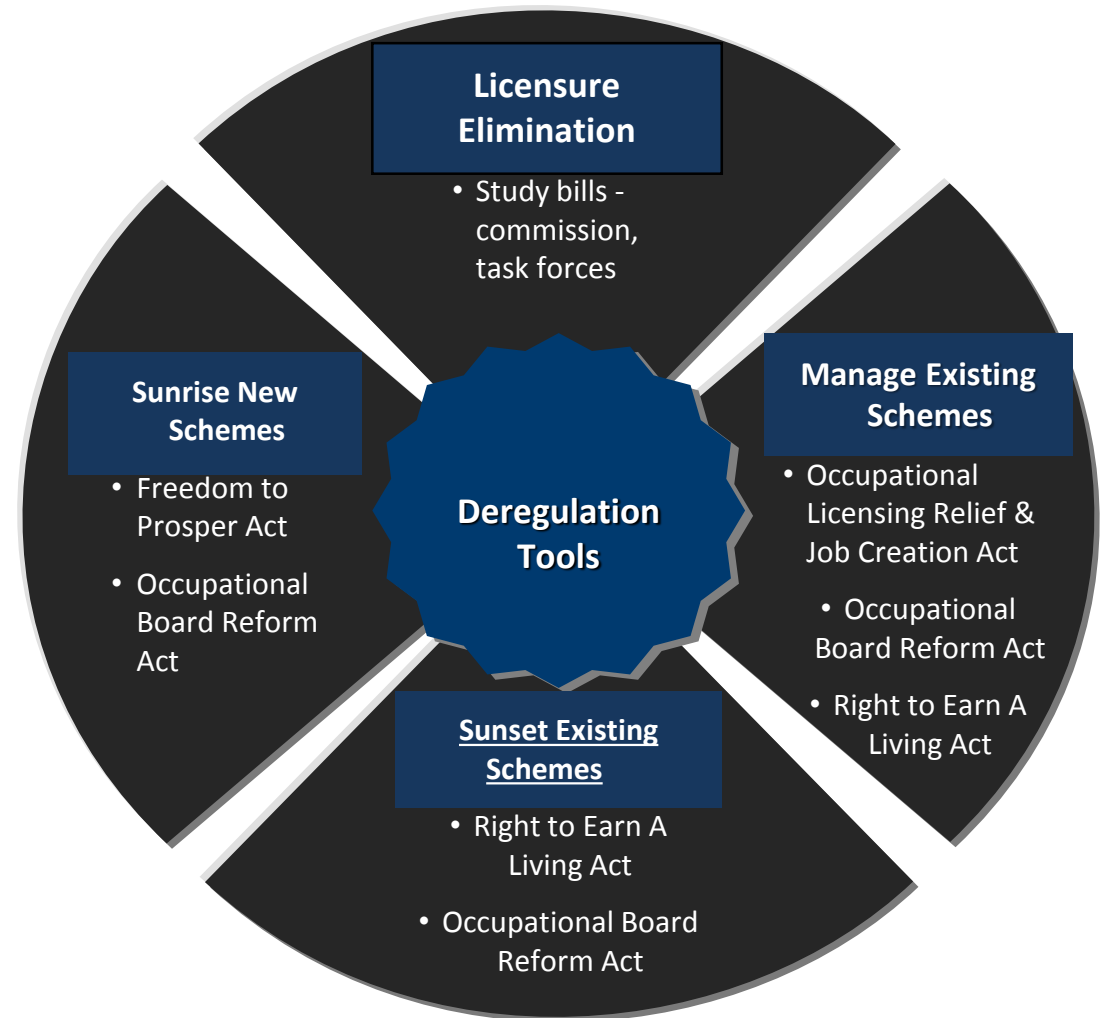
- Eliminate Barriers to Entry
- Least Restrict Means of Regulation

Sunset Review Process

- Complete De-Regulation
- Least Restrict Means of Regulation

Sunrise

- Prevent new occupations from being regulated
- Prevent existing occupations from expanding their regulatory oversight





Policy Status
 Type: Model Policy
 Status: Final
 Date Introduced: August 10, 2018
 Date Finalized: September 7, 2018

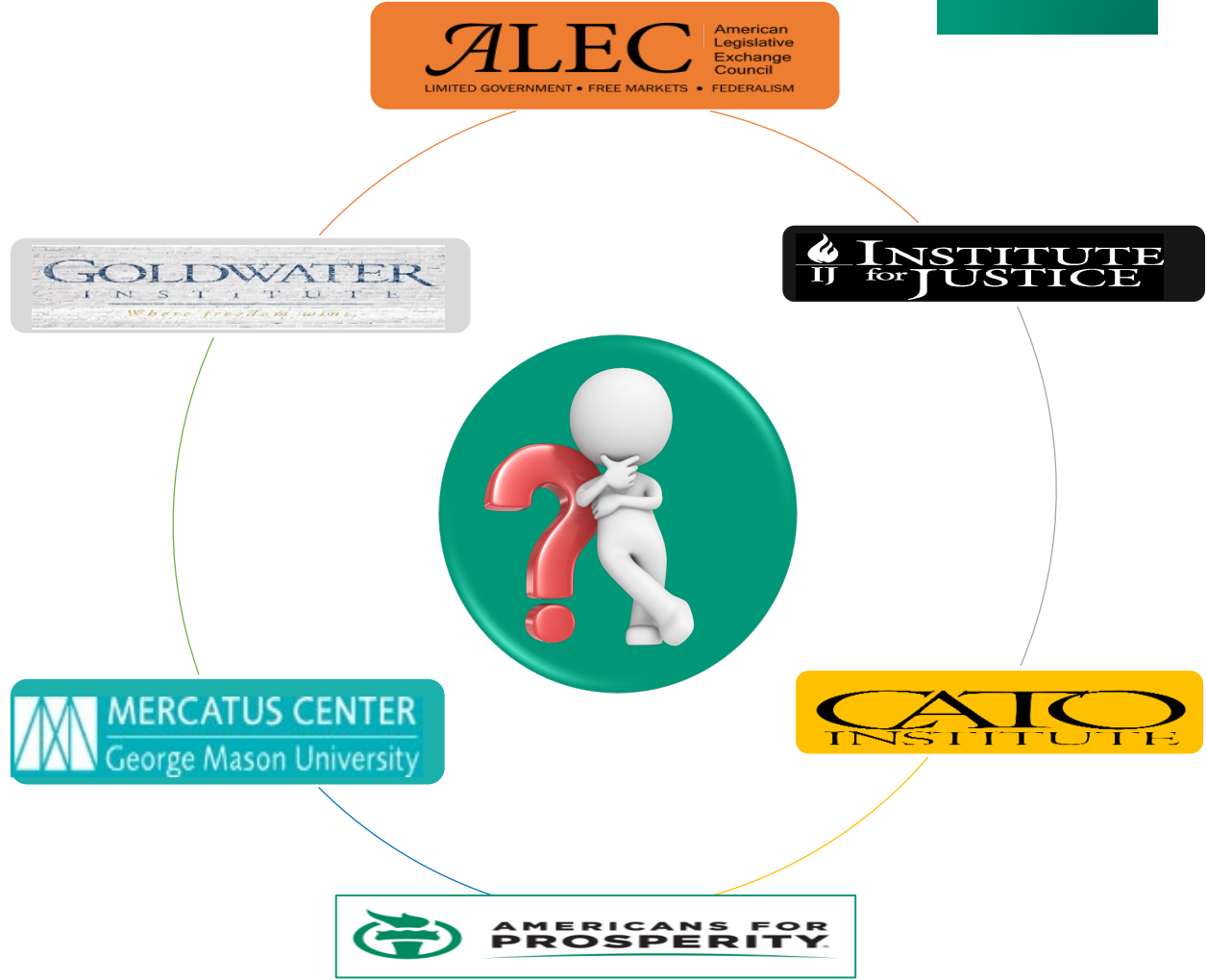


The Occupational Licensing Consumer Choice Act

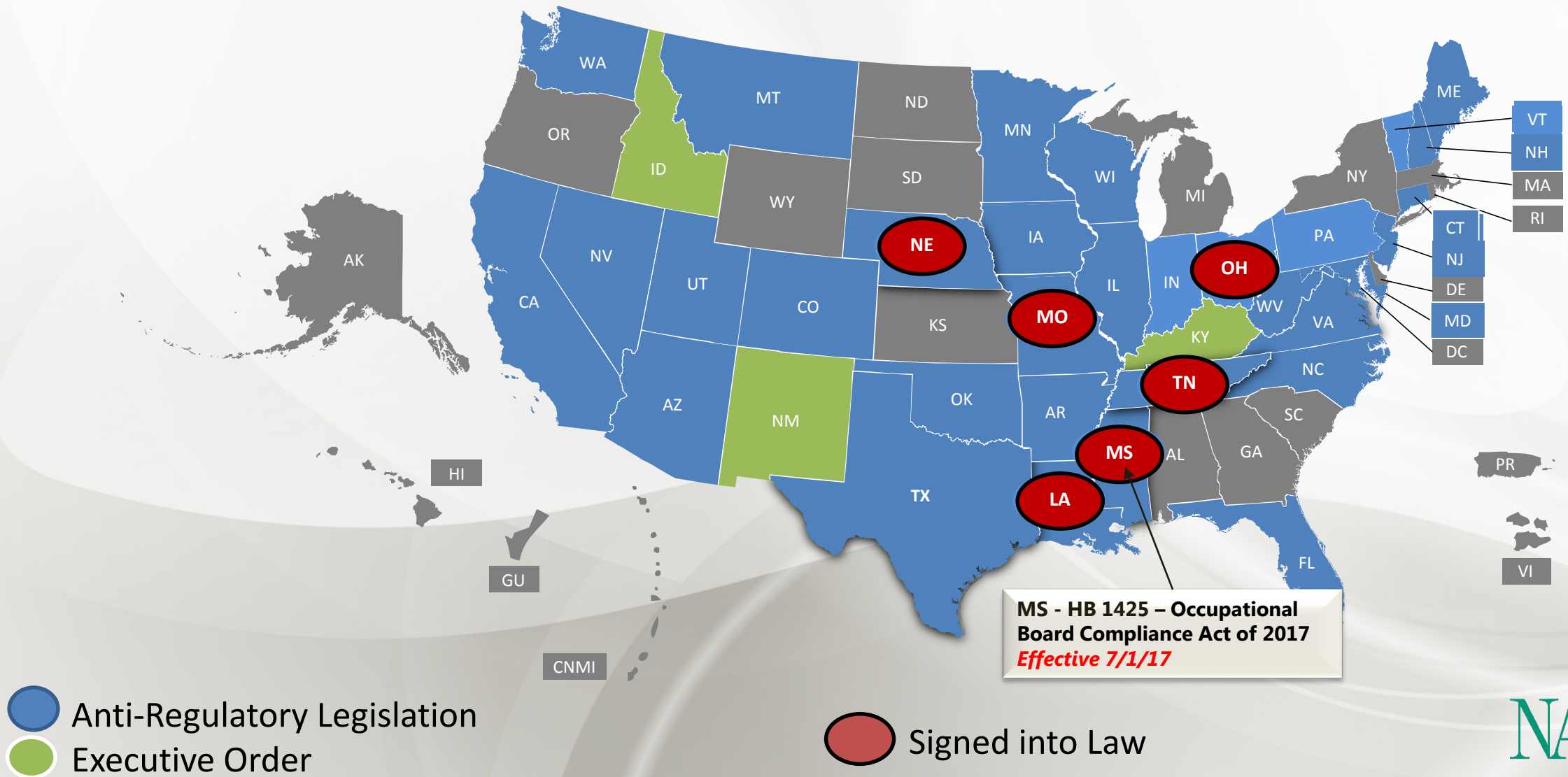
The Occupational Licensing Consumer Choice Act (“the Act”) is model legislation that provides consumers with the right to choose a worker who best serves their needs irrespective of whether that person holds an occupational license from the state of [STATE]. It provides that business owners, entrepreneurs, and workers in professions otherwise licensed by the state of [STATE] may operate without an occupational license if they disclose that fact to prospective consumers. Workers and entrepreneurs subject to regulatory enforcement may assert such disclosure as a defense to action related to enforcement of occupational licensing laws and regulations.

Section 1. Purpose

The Purpose of the Act is to:



2017-18 Anti-Regulatory Activity



2019 Anti-Regulatory Legislation

YOUR HELP IS NEEDED!

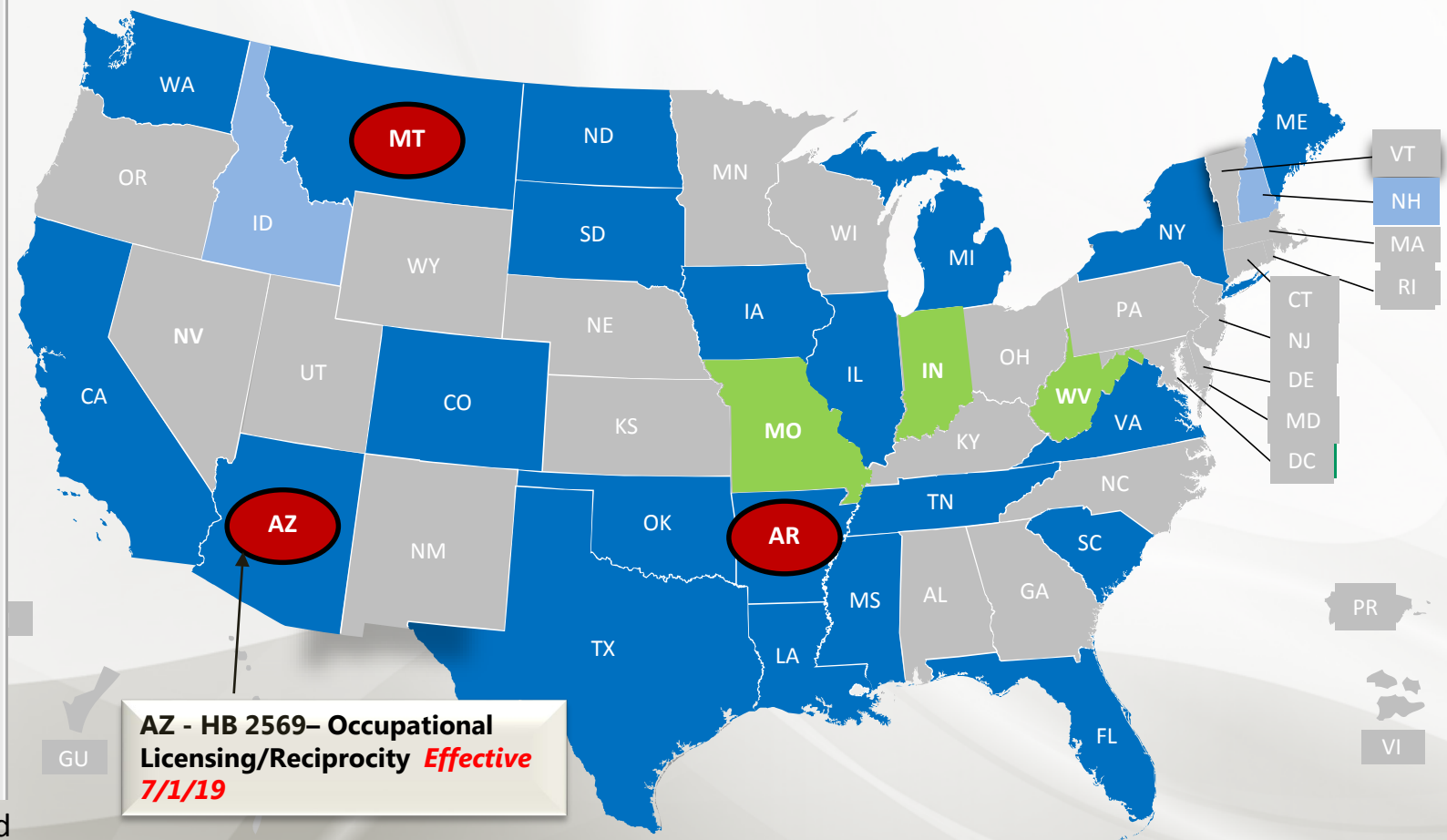
Contact the House Government Organization Committee to stop HB 2697 BEFORE IT BECOMES LAW

To All West Virginia Certified Public Accountants:

Your help is needed to educate members of the House Government Organization Committee about the negative ramifications of HB 2017 — The Occupational Licensing Consumer Choice Act — before it becomes law.

Earlier today, HB 2017 was introduced in the West Virginia House. This bill would allow any non-licensed individual to enter into a "non-licensed disclosure" agreement with a potential client, allowing a non-CPA to work in a lawful occupation without an occupational license. The bill, as currently written, exempts medical doctors, RNs, LPNs, dentists, and pharmacists. **BUT NOT CPAs!**

[VIEW THE BILL](#)

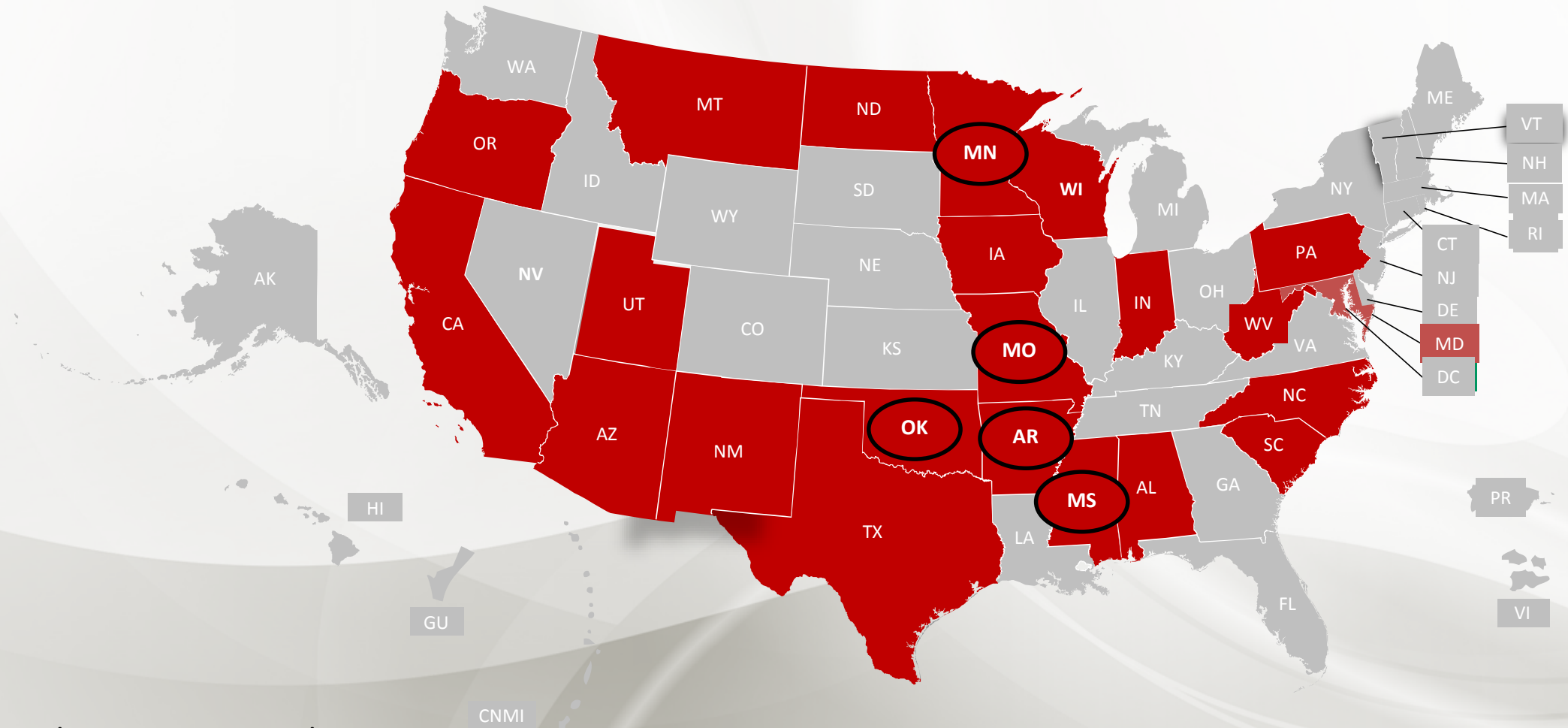




● Non-Licensed Disclosure Legislation Filed

- Study Legislation
- Anti-Regulatory L

● Signed into Law

2019 Criminal Conviction Legislation



-  Criminal Conviction Legislation
-  Removes Good Moral Character



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What Standards Guide a Sunset Law?



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Occupational licensing reform is not a partisan issue

by Adam Thierer and Trace Mitchell | September 12, 2019 09:54 AM



You won't find President Trump agreeing with Hillary Clinton and Barack Obama on many issues, but the need for occupational licensing reform is one major exception. They, along with many other politicians and academics both Left and Right, have identified how state and local "licenses to work" restrict workers' opportunities and mobility while driving up prices for consumers.

Of course, not everybody has to agree with high-profile Democrats and Republicans, but let's at least welcome the chance to discuss something important without defaulting to our partisan bunkers.

This past week, for example, ThinkProgress published an [article](#) titled "Koch Brothers' anti-government group promotes allowing unlicensed, untrained cosmetologists." Centered around an Americans for Prosperity video highlighting the ways in which occupational licensing reform could lower some of the barriers that prevent people from bettering their lives, the article painted a picture of an ideologically driven, right-wing movement.

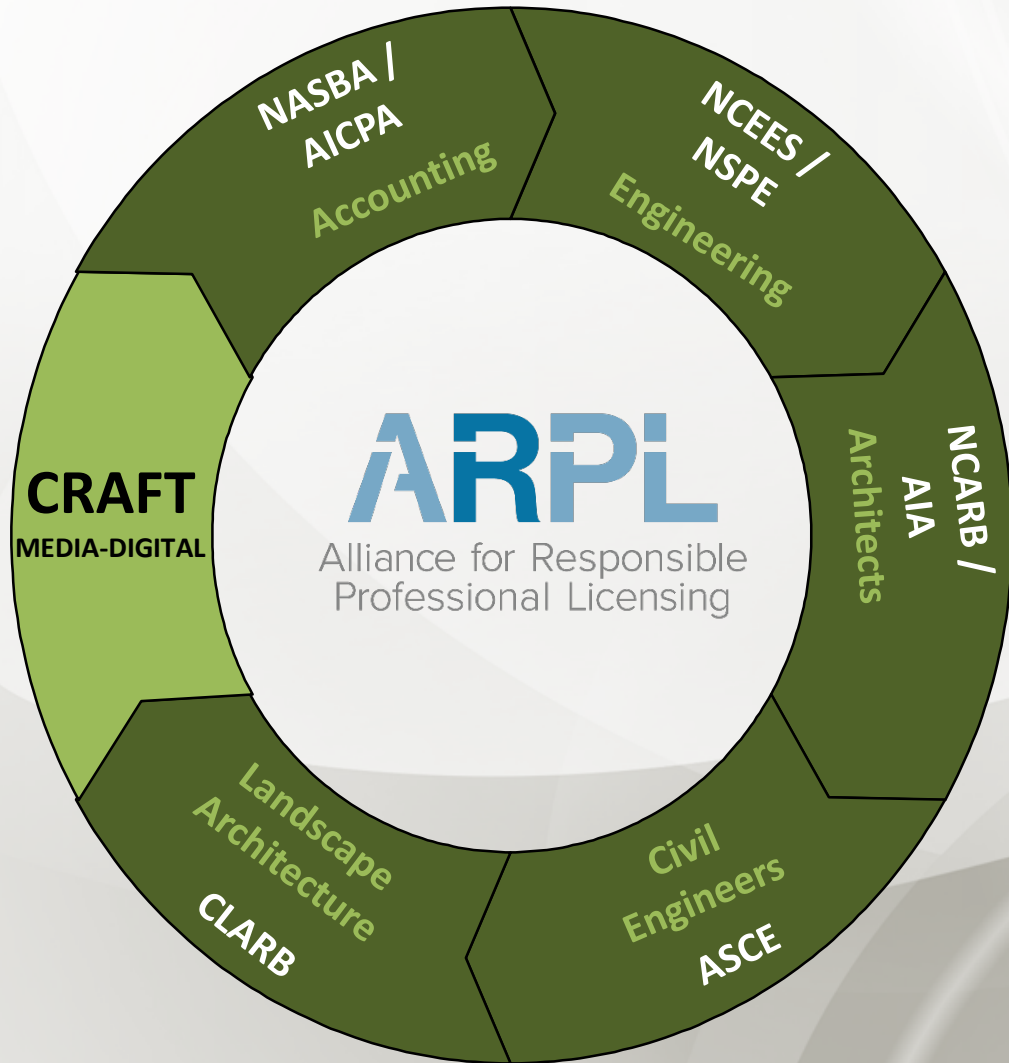
In reality, it's anything but that.

Occupational licensing has expanded significantly in the past several decades. It began as a relatively uncommon regulatory approach aimed at ensuring public safety and reserved for only

AND CONTROL	Government certification
	Specialty occupational license for medical reimbursement
	Occupational license

See GOV. >> A2

Alliance for Responsible Professional Licensing



KEEPING THE PUBLIC SAFE

- Professional licensing protects the public by ensuring a baseline level of proven qualification and expertise, which helps protect consumers from unqualified practitioners.

HELPING PROFESSIONALS GROW

- Responsible professional licensing creates a defined pathway for professionals based on verified expertise.
- It helps level the playing field by removing subjectivity and setting clear, evenly applied levels of qualification.
- Licensing also establishes consistency of qualifications within professions so professionals can move from state to state and continue practicing.

www.responsiblelicensing.org



July Highlights

- ARPL Website Launched
- NASBA/AICPA Press Release Announcing ARPL

August Highlights

- Digital Advertising Campaign
 - National Conference of State Legislatures
 - ALEC Annual Meeting
 - Pinpoint Target Audience

September Highlights

- 2019 Occupational Licensing Multi-State Consortium
 - ARPL Hosted Panel
 - Mitigating Unintended Consequences

<http://www.ncsl.org/research/labor-and-employment/2019-occupational-licensing-multi-state-consortium-637020634.aspx#overview>

Social Media Advertisement



Other Highlights – Public Opinion Research

- **ARPL Public Opinion Research**
 - Benenson Strategy Group
 - Comprehensive Understanding of American's views and attitudes towards licensing of professionals.
- **Convert the Research/Data into Collateral**
 - Reinforce the case for licensing
 - Proactively Reach out to Media – using the research/data
 - Established a “ARPL Rapid Response” working group for review and approval of timely communications, such as op-eds and LTEs.



4 WAYS YOU CAN HELP CARRY THE ARPL MESSAGE

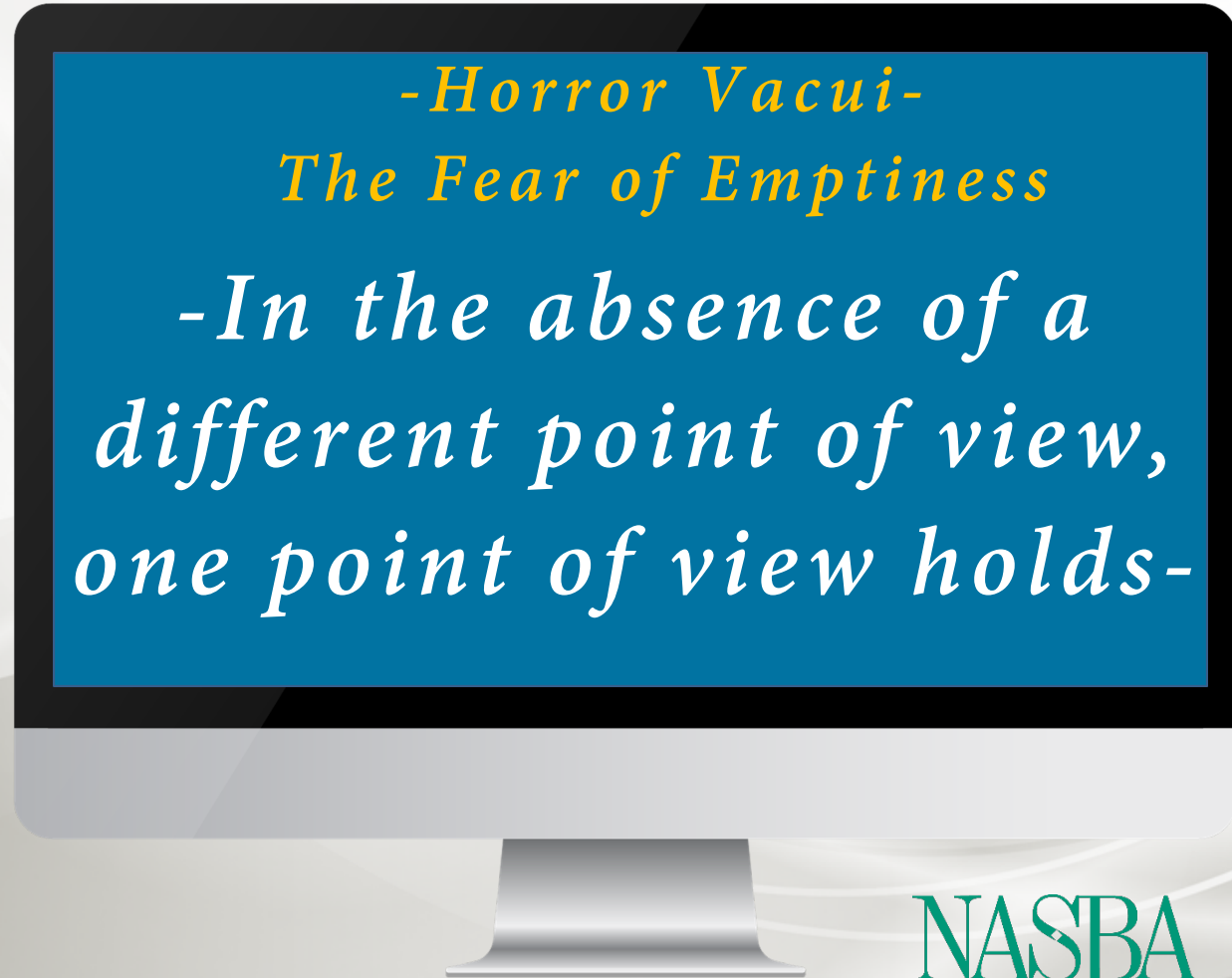
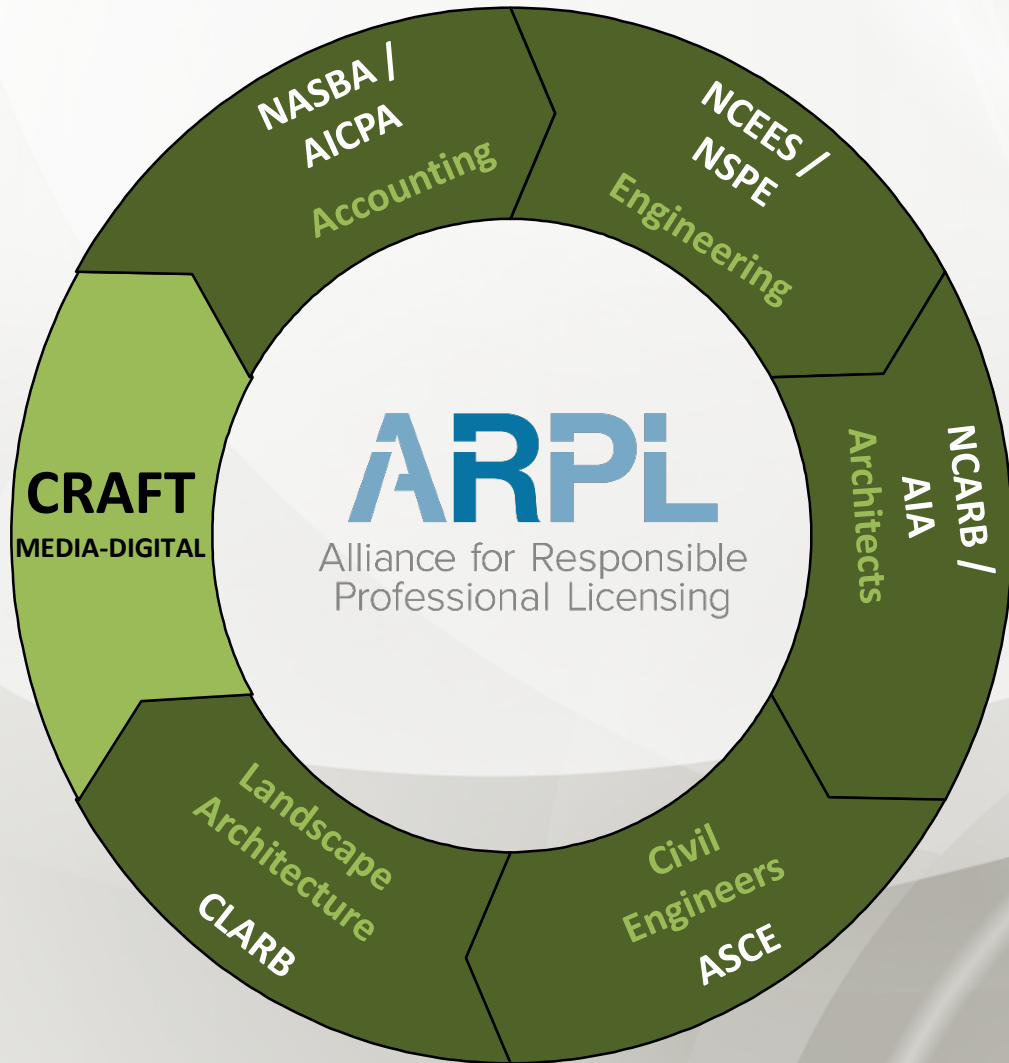
Here are four simple ways you can get involved and help spread the ARPL message.

- Stay informed by connecting with us on our social channels: [Twitter](#), [Facebook](#), and [LinkedIn](#). You can also sign up to receive updates on our [website](#).
- Promote ARPL messages and information by using the ARPL social media toolkit for some suggested social posts.
- Include ARPL materials – such as the ARPL one-pager – in your lobbying, media, and educational materials to supplement your own state- and legislative-specific information.
- Help us make the case for responsible professional licensing systems. We need information and examples that reinforce the impact and complexity of our profession and the critical role licensing plays in protecting the public. Do you have good data or stories we can use? Please share with the ARPL team.

www.responsiblelicensing.org



Alliance for Responsible Professional Licensing



QUESTIONS

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Thank You!

*John W. Johnson, NASBA Director
Legislative and Governmental
Affairs*

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