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Utah State Legislature

Senate • Utah State Capitol Complex • 320 State Capitol
PO BOX 145115 • Salt Lake City, Utah 84114-5115
(801) 538-1035 • fax (801) 538-1414

House of Representatives • Utah State Capitol Complex • 350 State Capitol
PO BOX 145030 • Salt Lake City, Utah 84114-5030
(801) 538-1029 • fax (801) 538-1908

Memorandum

To: Legislative Management Committee
Business and Labor Interim Committee

From: Occupational and Professional Licensure Review Committee

Date: November 1, 2015

Re: Annual Report

Introduction

The Occupational and Professional Licensure Review Committee is composed of three members each from the Senate and House of Representatives, appointed by their respective presiding officers, and three members of the public, appointed by the President of the Senate and Speaker of the House, at least one of whom is a former member of an advisory board to the Division of Occupational and Professional Licensing (DOPL).

The committee is responsible for conducting three types of reviews regarding the licensing of occupations and professions: (1) a “sunrise” review of an application for a new occupational or professional license under Utah Code Title 58, Occupations and Professions; (2) a “sunset” review for all statutes that are scheduled for termination under Utah Code Section 63I-1-258; and (3) a review referred to the committee by the Legislature, the Legislative Management Committee, or other legislative committee.

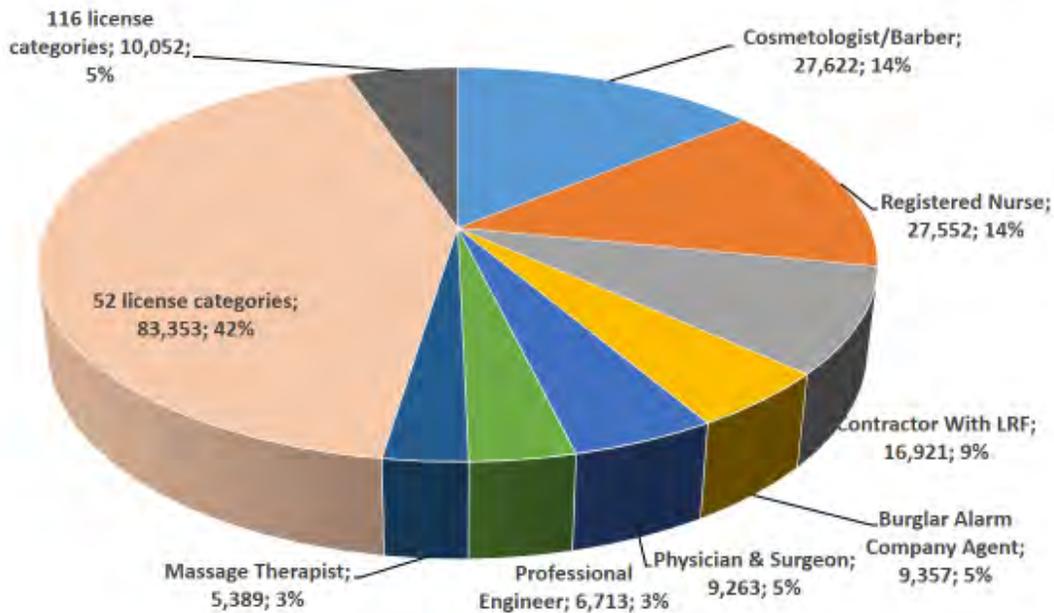
Occupational and Professional Licensing

The state licenses a wide variety of occupations and professions through several executive branch agencies, the State Board of Education, and the Utah Supreme Court. Together, these organizations, as of 2013, licensed nearly 487,000 persons or approximately 38 percent of Utah’s total labor force of 1.2 million.

The committee is charged with reviewing issues regarding licenses issued by DOPL, the largest licensing agency in the state. As of 2013, DOPL issued 174 distinct licenses

within 57 separate professions and occupations. As shown in the chart below, of the 196,222 persons licensed by DOPL in October 2013, about 53 percent of the persons were in just seven license categories, 42 percent of the persons were in 52 license categories, and five percent of the persons licensed were spread across 116 license categories.

**State of Utah
Division of Occupational and Professional Licensing
Percent and Number of all Licenses Issued by Selected License Categories**



Committee Reviews and Actions

Sunrise Reviews

In 2015, the committee did not conduct a sunrise review.

Interior Designers – In 2014, the committee received an application from Interior Design Education and Legislation for Utah for a new license for the practice of interior design. The committee reviewed the application and received public comment. The committee voted unanimously to direct staff to open a committee bill file to grant a limited exemption from the Architects Licensing Act for commercial spaces over 3,000 square feet for certain interior design professionals. At the next committee meeting, the requested draft legislation “Interior Designer Amendments” (2015FL-0406/004) was distributed. The committee discussed the draft legislation and received public comment. The committee did not take action on the draft legislation. In 2015, the committee voted (8 yes; 1 no; 0 absent) to reaffirm the committee’s actions taken in 2014.

Common Interest Community Manager – In 2014, the committee heard a presentation (but did not receive an application) from the Community Associations Institute proposing a new license for common interest community managers. The committee discussed the proposal and received public comment. The committee did not take action on this proposal.

Sunset Reviews

In 2015, the committee did not conduct a sunset review.

In 2014, the committee conducted the following three sunset reviews.

Health Facility Administrator Act – In 2014, the committee voted unanimously to reauthorize the Health Facility Administrator Act for an additional ten years. The committee voted unanimously to recommend draft legislation “Health Facility Administrator Act Reauthorization” (2015FL-0608/002) as a committee bill. 2015 General Session S.B. 27, “Health Facility Administrator Act Reauthorization,” passed extending the sunset date by ten years.

Occupational Therapy Practice Act – In 2014, the committee voted unanimously to reauthorize the Occupational Therapy Practice Act for an additional ten years. The committee voted unanimously to recommend draft legislation “Occupational Therapy Practice Act Reauthorization” (2015FL-0607/002) as a committee bill. 2015 General Session S.B. 26, “Occupational Therapy Practice Act Reauthorization,” passed extending the sunset date by ten years.

Dentist Educators – In 2014, the committee voted (7 yes; 1 no; 1 absent) to extend the sunset date of the licensing of dentist educators by two years. Accordingly, 2015 General Session S.B. 28, “Dentist Educator License Reauthorization,” was introduced but did not pass. However, 2015 General Session S.B. 92, “Dental Practice Act Amendments,” passed creating an exemption to licensure for dentist educators under certain circumstances, and repealing the section that provided for the licensure of dentist educators.

Less Restrictive Alternatives to Licensing

In 2013 General Session H.B. 75, “Occupational and Professional Licensing Amendments,” the committee was directed to study potentially less restrictive alternatives to licensing, including registration and certification.

In 2014 and 2015, the committee continued the discussion of potentially less restrictive alternatives.

In 2014, the committee voted unanimously to:

- Adopt a three-tier level of regulation for newly regulated occupations and professions with the designations of licensure, certification, and registration, in that order, from most to least restrictive;
- Begin considering ways to apply the named designations to the professions currently regulated; and
- Make recommendations about whether statutory changes should be made to adopt a three-tiered regulatory system in place of licensing.

In 2015, the committee voted (8 yes; 1 no; 0 absent) to reaffirm the action noted above.

Scope and Responsibilities of the Committee

In 2015, the committee voted unanimously to recommend draft legislation “Occupational and Professional Licensure Review Committee Amendments (2016FL-0548/004),” which modifies the responsibilities of the committee. More specifically, the legislation:

- expands the scope of the committee to include all occupations and professions, not just the occupations and professions under Title 58, which is administered by the Division of Occupational and Professional Licensure, Department of Commerce;
- authorizes the committee to conduct a review or study regarding any occupational or professional licensure matter;
- requires the committee, when conducting a sunrise or sunset review, to consider a potentially less restrictive alternative to licensing, including registration or certification, that would avoid unnecessary regulation and intrusion upon individual liberties by the state, while still protecting the health and safety of the public; and
- allows the committee to continue its study regarding less restrictive alternatives to licensure.