



UTAH STATE LEGISLATURE

OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE

Utah State Senate
Utah House of Representatives

October 8, 2019
Sen. Curtis S. Bramble, Senate Chair
Rep. James A. Dunnigan, House Chair
Business and Labor Interim Committee
State Capitol Complex
Salt Lake City, UT 84114

RE: 2019 Report of the Occupational and Professional Licensure Review Committee

Dear Sen. Bramble and Rep. Dunnigan:

The Occupational and Professional Licensure Review Committee is required to submit an annual report to the Business and Labor Interim Committee in accordance with Utah Code Subsections 36-23-106(3) and (4). A report of the committee's activities since November 1, 2018, are outlined below.

Sunrise Reviews

The committee conducted two sunrise reviews for new licensure. During a sunrise review, the committee follows a criterion established in statute when considering an application for new licensure.

Equine Dentistry Practitioners

Prior to the 2019 General Session, the committee considered an application that proposed that the state license or newly regulate equine dentistry practitioners. As a result of its review, the committee passed a motion, with a vote of 6-0-3, to support potential future legislation to certify equine dentistry practitioners. During the 2019 General Session, S.B. 191, Equine Dentistry Amendments, was passed, which permitted certain individuals to perform teeth floating without a license if the individual holds a valid third party certification to perform teeth floating; and permits certain individuals to administer a sedative drug for teeth floating under the direct supervision of a licensed veterinarian.

Sleep Technologists

Since the 2019 General Session, the committee considered an application that proposed that the state license or newly regulate sleep technologists. This application was submitted by

practitioners from the Sleep-Wake Center at the University of Utah. A substitute motion to have the committee explore options, including licensing and a registry on how to track and communicate bad actors within the sleep technician field failed with a vote of 4-5-0. The original motion to support the application for licensure of sleep technicians failed with a vote of 4-5-0.

Draft Legislation

The committee approved as a committee bill draft legislation “Anesthesia and Sedation Related Provisions Reauthorization,” with a vote of 6-0-3. This bill extended the sunset date to 2022 of statutory provisions related to the reporting requirements of certain adverse anesthesia events and to what constitutes unprofessional conduct when administering anesthesia in an outpatient setting.

The committee approved as a committee bill draft legislation, "Sunset Reauthorization—Speech Pathology and Audiology Licensing Act," with a vote of 6-0-3. This bill extended the sunset date of the Speech-Language Pathology and Audiology Licensing Act until 2029.

The committee approved as a committee bill draft legislation, "Occupational Restriction Amendments," with a vote of 6-0-3. This bill allowed an employee of a restaurant licensee who is at least 18 years of age to offer an alcoholic product for sale and take a patron's order for an alcoholic product.

The committee discussed draft legislation “Proposal to Amend Utah Constitution -- Right to Pursue Trade, Vocation, Occupation, or Career, ” which would have amended the Utah Constitution to restrict government from infringing on the right to pursue a trade, vocation, occupation, or career, except in specified circumstances. No motion was placed before the committee regarding the legislation.

Review of Licensed Lawful Occupations

Utah Code Subsection 36-23-109(2) requires the committee to study and make recommendations regarding lawful occupations that require a license in the state so that each licensed lawful occupation is reviewed every 10 years. The committee discussed its preferred method of organizing and sorting each licensed lawful occupation to map out its approach for reviewing each licensed lawful occupation. Over the past few years the following departments have provided an overview of the occupational licenses that they issue, along with relevant licensing data. This information has helped the committee plan its approach and prioritization for its in-depth review of all state occupational licenses. The committee expects to hear from several other departments in future meetings.

- Department of Agriculture and Food
- Department of Environmental Quality
- Department of Health
- Department of Public Safety
- Department of Workforce Services



Practice of Barbering

Some states have introduced legislation that reduces or eliminates licensing regulations for hair stylists who only provide blow drying and other limited services to their clients. Under current Utah statute, blow drying requires that a licensee have at least a barber license, which requires a minimum of 1,000 hours of instruction. Similarly, the application of eyelash extensions, requires that a licensee have at least an esthetician license, which requires a minimum of 600 hours of instruction. The committee discussed whether these issues will be studied in a future meeting. A motion to open a committee bill on the practice of barbering and cosmetology and how it relates to the practices of blow dry styling and lash extensions failed with a vote of 3-5-1.

Competency-Based Testing

The committee discussed competency-based testing for occupational and professional licensing, including certain professions where it could be implemented and how it could be used to help qualified applicants achieve licensure in a timely manner.

National Occupational Licensing Policy Learning Consortium

This two-year study was organized by the National Conference of State Legislatures, the National Governors Association Center for Best Practices, and The Council of State Governments. Utah's "Core Team" included legislators, Department of Commerce, Division of Occupational and Professional Licensing, Department of Workforce Services, Governor's Office, and legislative staff. The purpose of the consortium was to:

1. Help improve understanding of occupational licensure issues and best practices;
2. Identify current policies that create unnecessary barriers to labor-market entry; and
3. Create an action plan that focuses on removing barriers to labor-market entry and improves portability and reciprocity for select occupations.

Representatives from Utah's Core Team attended a national meeting with other participating states' Core Teams in Clearwater, Florida in December 2018, and more recently in Park City, Utah, in September 2019. Utah's Core Team held its own meeting in April 2019 to discuss the goals listed above. The Core Team has enlisted the assistance of Brigham Young University to research barriers to licensure encountered by vulnerable populations and have heard several student-led presentations. Compared to other states participating in the licensing consortium, Utah leads the way in minimizing barriers to licensure and continues to look for new ways to address barriers.

Conclusion

As previously mentioned, the committee is required to study and make recommendations regarding lawful occupations that require a license in the state so that each licensed lawful occupation is reviewed every 10 years. We continue to seek an appropriation to help accelerate the 10-year review study.



We look forward to continuing the work of the committee into 2019, while serving the Legislature and its constituents. Please let us know if you have any questions regarding this report.

Sincerely,

Handwritten signature of Todd Weiler in blue ink, including a small 'DH' mark at the end.

Sen. Todd Weiler
Chair
Occupational and Professional Licensure
Review Committee

Handwritten signature of Norman K. Thurston in blue ink, including a small 'DH' mark at the end.

Rep. Norman K. Thurston
Chair
Occupational and Professional Licensure
Review Committee

