



# UTAH | COMMERCE

**Division of Professional Licensing** 

# Licensing as a Barrier to Entry

Mark Steinagel, Director Division of Professional Licensing Utah Department of Commerce

## Licensing As A Barrier To Entry





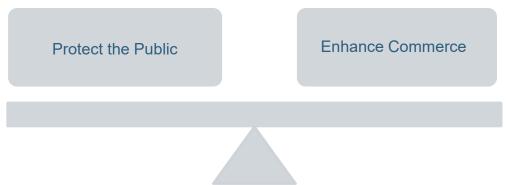
### Licensing Barriers and Licensing Reform: Four Stages

- Pre-2015
  - Slow change, but burgeoning interest from lawmakers
- · 2015-2022
  - Significant change, with increasing impact to consumers and economy
- Since 2022
  - Rapid change, with increasing impact, predictability, and reliability
- Future
  - Innovation and reform as the new normal



### Licensing Barriers and Licensing Reform: Pre-2015

- Governor Huntsman and Herbert
  - "Reduce unnecessary business regulation"
- Legislature: Slow Change, but Burgeoning Interest
  - Military spouses
  - Physicians/Pharmacists
  - Rigid scopes of practice
  - Exemptions from licensure
- Protect the Public and Enhance Commerce
- Clayton V. Steinagel



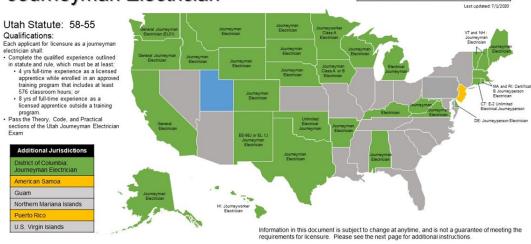


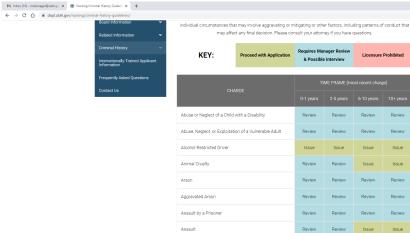
### Licensing Barriers and Licensing Reform: 2015-2022

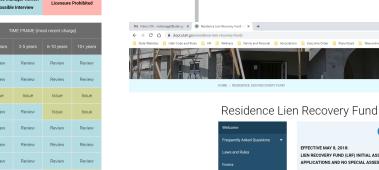
- Significant change, with increasing impact to consumers and economy
  - Access to licensure for those with a criminal history
  - Balancing of regulation through the opioid crisis
  - Drug offenses and treatment for public and licensed professionals
  - Adoption of interstate licensing compacts to increase worker mobility
  - SB 23: Utah's version of licensure mobility
  - Specific profession reform: contractors
- FTC v. North Carolina Dental Board: US Supreme Court
- White House Council of Economic Advisors Report
- Legislative/Executive Branch Licensing Consortium\*
- Governor Cox Inauguration Day Executive Order/Commerce Study



#### Endorsement to Utah: Journeyman Electrician







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No Equivalent State or Territory License to Utah, see below

ntto Litah License nal Documentation Needed, see below

Name: MCFLY e Of Birth: 07/01/		nge: 11/27/2016 - 11/27/2017				5	► 10	
now 10 ▼ entrie First Name ≑	s Last Name	Drug	¢	Quantity 🕴	Date Sold 🔻	Days Supply 👙	Prescriber Name	Number of Pharmacies Patients at high risk for Substance Use Disorder (SUD) or those exhibiting behaviors of abuse, diversion, or addiction should be considered for referral to a SUD specialist for
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MARTY	MCFLY	MORPHINE SO4 15MG EXTENDED RELEASE		60	09/25/2017	30	TESTER, TEST MD	Learn More
MARTY	MCFLY	OXAZEPAM		30	09/25/2017	30	TESTER, TEST MD	2 No
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Search Again Detailed Report Summary

#### Understanding the Potential Impact of **Interstate Licensure Compacts**

Over the last several years, interstate compacts have become a popular method of addressing interstate practice mobility or portability for licensed professionals. Well designed licensure compacts can offer benefits to the state, professionals, and public. However, not all compacts are created equal and care must be taken by legislators to understand both the benefits and drawbacks of each individual compact. Questions to consider include:

#### \* - • \* the benefits/drawbacks G @ ☆ @ Ø # # □ . Ite, licensee, and public

act participation? onsider: Impact to state v: potential increase of esp. in rural or border areas; ation of education and exam, ns to enforcement model: ip costs, including

that reduce flexibility to meet state needs. Is participation an opt-in model for licensees? If yes, what additional items (if any) does

state law?

Does the proposed compact

overly restrict or alter current

Areas to consider: Scope of practice, endorsement, pathways to licensure,

specific qualifications or requirements

the compact organization require the state collect from those who opt-in, and what is the impact of those requirements on state resources?

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Does the compact outline a method of rescinding or altering membership in the future? Areas to consider: Legal restrictions imposed in compact language or bylaws.

#### he Office of Professional Licensure Review

seneral Session, the Office of Professional Licensure Review was created with the p review professional regulations, both existing and proposed. While not limited to the Office can help legislators answer these and other important questions.

) assisting with the above questions, the Office will be available July 2022 to:

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itization list		



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Utah Department of Commerce **Controlled Substance Database** 

#### Announcements

EFFECTIVE MAY 8, 2018: LIEN RECOVERY FUND (LRE) INITIAL ASSESSMENT FEE IS NO LONGER REQUIRED ON NEW CONTRACTOR APPLICATIONS AND NO SPECIAL ASSESSMENTS WILL BE ISSUED.

ATTENTION: Architects, Engineers, and Landscape Surveyors choosing not to pay this fee will have no impact on your professional license. Joining the Lien Recovery Fund was a requirement for licensure as a professional from May 1995 to May 1996. You likely joined the Lien Recovery Fund during that period to avoid losing your professional license. Because of a change in 1996, remaining a member of the Lien Recovery Fund for these types of professionals is entirely voluntary and not required.

#### IMPORTANT

CONDOMINIUM UNITS ARE TYPICALLY NOT ELIGIBLE Condominium units are typically not eligible if part of your structure contains more than a "multifamily dwelling up to two units." Utah Code § 38-11-102(21). See also LKL Associates, Inc. v. Farley, 2004 UT 51 18 ("condominium units ... located in a building containing ten units, do not qualify for the protections of the Lien Restriction Act.")

The Utah Residence Lien Recovery Fund is an alternate payment source for contractors, laborers or suppliers whose liens are voided because a homeowner gualifies for protection under the Residence Lien Restriction and Lien Recovery Fund Act

In 1994, the Utah Legislature recognized a problem within the residential construction industry. A few contractors were taking money for construction but not paying subcontractors and suppliers. Therefore, homeowners had to p

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ents? requirements; criminal d checks; continuing

nts; etc.

act requirements r add to Utah's current onsider: Education, exam,

nts, staffing, travel

increased enforcement

### Licensing Barriers and Licensing Reform: Since 2022

- Rapid change, with increasing impact, predictability, and reliability
- Utah Department of Commerce OPLR Recommendation
- Bipartisan Interest
- Workforce Shortages
- Refugees
- Foreign Credentialing: 2022, SB 43; 2023, SB 35
- Underserved Populations: HB 250
- Mental Health Crisis: First OPLR Study



### Licensing Barriers and Licensing Reform: Future Considerations

- "Right-sizing" Regulation is Ongoing Effort
- Accelerating, Non-partisan Reform
- OPLR: Resources to Innovate
  - Predictably
  - Reliably
  - Apolitically
- Consumer/Patient Access: Type of Public Protection
- Utah Leadership in Economy and Licensing Reform
- Executive and Legislative Branches Working Closely Together
- Recklessly Good





# Thank you!

