



The Rationale of Deregulation

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Today's Objectives

1. Wide Spread Panic
2. Understand the rational legislatures implore to make deregulation decisions
3. Participants will be able to create a plan to educate stakeholders on the importance of AT licensure
4. Provided with examples of legislative situations that could have negatively impacted AT licensure in three states, participants will apply that knowledge to protect their practice acts
5. Be available to answer any questions

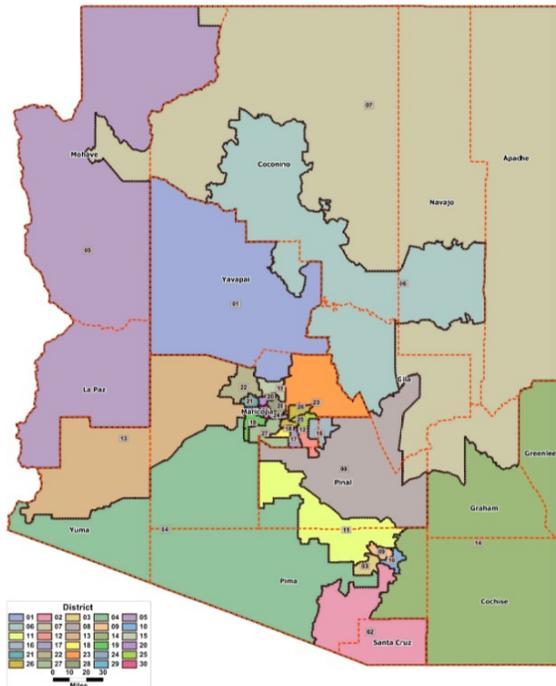
Legislatures Rationale

- My misgivings
 - **Onboarding: A few grants**
 - **OMG, attacks every place**
 - People hate us
 - Professionals hate us
 - **Its not us....**

Legislatures Rationale

- Its legislatures
 - Come from Americans, schools, universities, communities
 - Run to make a difference they see as 'good'

Final Legislative Districts - Approved 1/17/12



Legislatures Rationale

- Valley Union HS: Cochise County. Elfrida, AZ?
- Kayenta HS: Navajo Indian Reservation. Kayenta, AZ?
- Saquaro HS: Maricopa County, Scottsdale, AZ?
- EMT, Nurse, PT, etc?
- Perception is REALITY!

Final Congressional Districts - Approved 1/17/12

Legislatures Rationale

- Valley Union HS: Cochise County. Elfrida, AZ?
- Kayenta HS: Navajo Indian Reservation. Kayenta, AZ?
- Saquaro HS: Maricopa County, Scottsdale, AZ?
- EMT, Nurse, PT, etc?

Legislatures Rationale

- DATA, DATA, DATA
 - **Increase access to jobs**
 - Criminal record
 - <https://www.nelp.org/publication/unlicensed-untapped-removing-barriers-state-occupational-licenses/>
 - Day care for 10 years, revoked with law change on 30 year old misdemeanor

Legislatures Rationale

- Criminal record
- <https://www.nelp.org/publication/unlicensed-untapped-removing-barriers-state-occupational-licenses/>
- Passing a criminal background check is a common requirement to obtain a state license. In fact, the American Bar Association's inventory of penalties against those with a record has documented **27,254 state occupational licensing restrictions**. Thousands of these restrictions **vary widely among states** and professions. And because the criminal justice system **disproportionately impacts people of color**, these extrajudicial penalties—known as “**collateral consequences**”[viii]— **perpetuate racial disparities in employment**.

Legislatures Rationale

- Create Jobs
- <http://floridapolitics.com/archives/234533-lawmakers-aim-create-jobs-cutting-occupational-licensing-red-tape>
- Florida: Auctioneering, landscaping, keeping time at boxing match, manicuring fingernails and wrapping hair
 - Cosmetology school \$5-\$20K with \$500 fine for not being licensed, each offense (28 disciplinary orders, not quality related: paperwork, etc.)
 - **LIMITS ACCESS TO WORK!**

Legislatures Rationale

- Create Jobs
- https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf
- **Obama Report on Licensing**
 - By making it harder to enter a profession, licensing can also reduce employment opportunities and lower wages for excluded workers, and increase costs for consumers
 - 35 percent of military spouses cant get licenses when moving across state lines!
 - » State to state requirements vary widely

Legislatures Rationale

- Create Jobs
- <https://azcapitoltimes.com/news/2018/02/16/arizona-doug-ducey-licenses-deregulate-professions/>
- **Economic Protectionism**
 - Do we do that as an Athletic Training Profession?
 - » A PT returning MTBI, is it they are not skilled or we want to protect our turf? Are we worried they will contract with a school and be competitive with us for jobs?
 - Do we shrewdly select the verbiage of our license to restrict others and broaden our scope?
 - An EMT or Nurse conducting RTP in a rural area without an AT: Is it in the best interest of that athlete or our profession?

Legislatures Rationale

- NCSL: National Conference of State Legislatures
 - <http://www.ncsl.org/>
 - Since 1975 policy and research resources to assist legislatures
 - last 60 years, ... jobs requiring ...license ... to practice a profession, has grown ...1-in-20 to almost 1-in-4. Licensing laws intention of protecting the health and safety of consumers by creating barriers to employment—through testing, training, and fees—in professions determined to be sufficiently dangerous. **Excessively onerous requirements, however, can create barriers to employment for individuals who may not actually pose a serious risk.** In recognition of this fact, some states have recently moved to remove licensure requirements determined to be overly burdensome.
 - Next page: <http://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx>

State

 Select All
 Alabama
 Alaska
 Arizona
 Arkansas
 California
 Colorado
 Connecticut
 Delaware
 District of Colu...
 Florida
 Georgia
 Hawaii
 Idaho
 Illinois
 Indiana
 Iowa

Job Name

 Barbers
 Certified Nursing ...
 Cosmetologists
 Dental Hygienist
 Drinking Water Tr...
 Electrician
 Emergency Medic...
 General Contractor
 Heavy Tractor Tra...
 Home Inspector
 HVAC Contractor
 Insurance Sales A...
 Licensed Practical...
 Manicurist/Pedicu...
 Massage Therapist
 Occupational The...
 Pharmacy Technic...

Job

Barbers

Description

Barbers, hairstylists, and cosmetologists provide haircutting, hairstyling, and a range of c

Licensing by State

Licensed ● Licensed

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For Glossary Click to Page 2

Job Name	State	Licensed, Registered or Certified by State	Education Requirement	Amount of Training Required (In Hours)	Amount of Experience Required	Professional Exam	Required Time of License Renewal (In Years)	Continuing Education Requirement	Additional Required Exams	Cost of Initial License (In Dollars)	Cost of License Renewal (In Dollars)	Reciprocity or Endorsement	Good I Require
Barbers	Alabama	Licensed	A specific amount of training is required (non-degree)	1000	0	Yes, individuals must take an exam to attain licensure	2	0	1	260	80	State does have statutory language allowing reciprocity or endorsement agreements	State d 'good clause
Barbers	Alaska	Licensed	Completion of a training requirement is optional, but when completed reduces the burden of another licensing requirement (e.g., experience)	1650	2000 hours	Yes, individuals must take an exam to attain licensure	2	0	1	450	180	State does have statutory language allowing reciprocity or endorsement agreements	State d 'good clause

Legislatures Rationale

- NCSL: National Conference of State Legislatures
 - License Overload? Lawmakers are questioning whether we've gone too far with occupational and professional licensing.
 - <http://www.ncsl.org/bookstore/state-legislatures-magazine/occupational-licensing-can-balance-safety-and-employment-opportunities.aspx#Critics%20Cite%20Studies>
- Nurses and athletic trainers need one, so do barbers and cosmetologists.....
- Question Status Quo – “It protects the public”
- According to a 2015 review done by the Department of the Treasury Office of Economic Policy, the Council of Economic Advisers and the Department of Labor, 85 percent of the research on licensing concluded there was little evidence it improved the quality or safety of products and services.
- Safety and quality of trips driven by licensed Uber drivers with those driven by new, unlicensed drivers in Houston, New York and New Jersey. He “found that occupational licensing frequently had no effect on safety and quality.” Even when there was a positive effect, Kleiner says “the magnitude of the effect was small.”

Legislatures Rationale

- **Licenses to Kill Jobs!**
 - Link <Licenses to kill jobs Florida.pdf>
 - **Increase access to jobs**
 - 10 low income professions (AT was 2nd)
 - AT required degrees, training, exams, licensure fees, CEU costs, etc.
 - Setting regulation burden at national average could increase employment by 7.6% **(things we can do!)**

Legislatures Rationale

- **License To Work: A National Study of Burdens from Occupational Licensing**
 - Link <[Licensetowork.pdf](#)>
 - BLS – Bureau of Labor Statistics
 - 800 occupations licensed across the states
 - **800!**
 - Where is AT?

*Table 1: Breadth of Licensure
Number of States that License 102 Lower-Income Occupations*

<i>Occupations</i>	<i>Number of States that License*</i>
Pest Control Applicator	51
Emergency Medical Technician	51
School Bus Driver	51
Bus Driver (City/Transit)	51
Vegetation Pesticide Handler	51
Truck Driver	51
Cosmetologist	51
Skin Care Specialist	50
Manicurist	50
Barber	50
Preschool Teacher	49
Earth Driller	47
Athletic Trainer	46
Fisher	41
HVAC Contractor (General/Commercial)	40
Massage Therapist	39

Table 2: Estimated Demographics of Those Working in Lower-Income Occupations

	General Population*	Lower-Income Occupations
Workforce		11.60%**
Male	52.53%	58.13%
Female	47.47%	41.87%
Average age	42	42
White	68.42%	61.28%
Hispanic	13.97%	20.53%
Black	10.68%	13.42%
Asian	4.99%	2.73%
American Indian	0.54%	0.61%
Pacific Islander	0.26%	0.31%
Multi race	1.14%	1.12%
Average Annual Income	\$46,734	\$29,526
Less than High School Degree	9.53%	15.70%
High School Degree	26.75%	40.30%
College but no BA	28.87%	31.70%
Bachelor's Degree	22.50%	9.71%
Master's Degree	8.86%	2.28%
Professional Degree	1.69%	0.26%
Doctorate	1.80%	0.06%

Table 3: Burdens of Licensure Occupations Ranked by Average Burden

Rank	Occupations	Number of Licensed States	Average Fees	Average Education & Experience (Days)	Average Exams	Average Minimum Grade Level	Average Minimum Age
1	Interior Designer	4	\$364	2,190	1	0	0
2	Preschool Teacher	49	\$103	1,728	2	0	2
3	Athletic Trainer	46	\$443	1,460	1	0	3
4	Social and Human Service Asst.	7	\$200	1,251	1	0	5
5	HVAC Contractor (G/C)	40	\$250	891	1	0	6
6	Optician	22	\$184	710	3	10	12
7	Midwife	29	\$619	700	1	5	7
8	Dietetic Technician	3	\$30	800	1	0	6
9	Veterinary Technologist	37	\$209	710	2	1	5
10	Earth Driller	47	\$177	704	1	1	7

*Table 4: Breadth and Burden of Licensure
Occupations Ranked by Number and Average Burden of Licensed States Combined*

Rank	Occupations	Number of Licensed States	Average Fees	Average Education & Experience (Days)	Average Exams	Average Minimum Grade Level	Average Minimum Age
1	Preschool Teacher	49	\$103	1,728	2	0	2
2	Athletic Trainer	46	\$443	1,460	1	0	3
3	Earth Driller	47	\$177	704	1	1	7
4	Cosmetologist	51	\$142	372	2	8	13
5	Barber	50	\$130	415	2	7	14
6	School Bus Driver	51	\$96	293	6	0	19

*Table 6: Number and Percentage of
Low-Income Occupations Licensed by State*

State	Number of Low-Income Occupations Licensed	Percentage of 102 Low-Income Occupations Licensed
Louisiana	71	70%
Arizona	64	63%
California	62	61%

Table 7: States Ranked by Average Burden of Licensing Requirements

Rank	States	Number of Low-Income Occupations Licensed	Average Fees	Average Education & Experience (Days)
1	Hawaii	43	\$367	724
2	Arkansas	52	\$212	689
3	Nevada	55	\$505	601
4	Florida	45	\$274	603
5	Arizona	64	\$455	599

Legislatures Rationale

- **License To Work: A National Study of Burdens from Occupational Licensing**
 - Protection from Competition, Not for Consumers
 - Webs of Regulation Create ‘Death by a Thousand Cuts’ for Entrepreneurs
 - Irrational and Inconsistent Burdens
 - Licensing Boards Push Boundaries to Keep Out Competition

Legislatures Rationale

- **License To Work: A National Study of Burdens from Occupational Licensing**
 - Alternatives to Licensure
 - Credentials allowing people to decide for selves
 - » IE: ASE certification to work on a car (no licensure)
 - » Angie's List Ratings (just reporting what they read)

When reviewing current or proposed licensing laws, policymakers should demand proof that there is a clear, likely and well established danger to the public from unlicensed practice. And if they do choose to license an occupation, they should carefully determine how much of the burden placed on applicants is truly needed to ensure public health and safety. Forcing would be workers to take unnecessary classes, engage in lengthy apprenticeships, pass irrelevant exams or clear other needless hurdles does nothing to ensure the public's safety. It simply protects those already in the field from competition by keeping out newcomers. Finally, policymakers should always consider whether less restrictive options including simply letting consumers decide for themselves can keep the public safe while creating new opportunities for workers.³³

Arizona		64	5 th	Most	
		of 102 moderate-income occupations licensed	most burdensome licensing laws	broadly and generously licensed state	
Burden Rank	Occupation	Number of States that License	Fees	Education/ Experience (Days)	Exams
1	Preschool Teacher	49	\$129	1,825	2
2	HVAC Contractor (Residential)	5	\$890	1,460	2
3	Cement Finishing Contractor (Residential)	9	\$890	1,460	2
4	Carpenter/Cabinet Maker Contractor (General/Commercial)	30	\$765	1,460	2
5	HVAC Contractor (General/Commercial)	40	\$765	1,460	2
6	Cement Finishing Contractor (General/Commercial)	29	\$765	1,460	2
7	Paving Equipment Operator Contractor	27	\$765	1,460	2
8	Mason Contractor (General/Commercial)	29	\$765	1,460	2
9	Door Repair Contractor	35	\$765	1,460	2
10	Pipelayer Contractor	29	\$765	1,460	2
11	Iron/Steel Contractor (General/Commercial)	31	\$751	1,460	2
12	Iron/Steel Contractor (Residential)	11	\$426	1,460	2
13	Athletic Trainer	46	\$610	1,460	1

Legislatures Rationale

- **Obama Report on Licensing**
- https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf
- Limiting licensing requirements to those that address legitimate public health and safety concerns to ease the burden of licensing on workers.
- Applying the results of comprehensive cost-benefit assessments of licensing laws to reduce the number of unnecessary or overly-restrictive licenses.
- Within groups of States, harmonizing regulatory requirements as much as possible, and where appropriate entering into inter-State compacts that recognize licenses from other States to increase the mobility of skilled workers.
- Allowing practitioners to offer services to the full extent of their current competency, to ensure that all qualified workers are able to offer services.

Legislatures Rationale

- **Locally.....**
 - <https://azcapitoltimes.com/news/2018/02/16/arizona-doug-ducey-licenses-deregulate-professions/>
 - **Rep. Paul Mosely (R-Lake Havasu City)**
 - Some bills seek to delicense specific jobs, including behavioral health professionals, embalmers and funeral directors, massage therapists, barbers, taxidermists and athletic trainers. Republican Rep. Paul Mosley, who sponsored all of those measures, said he wanted to “start a conversation” about whether boards and licenses are needed in certain fields. Most of his delicensing bills haven’t gotten a hearing in any committee..... “How dangerous is it to be a massage therapist, and does the board actually prevent bad things from happening? Bad things are still going to happen whether you have a board or not,” Mosley said

Plan to Educate: Importance of AT Licensure

- **Value Marketing of an AT**
 - Healthcare to athletes
 - Performing arts
 - Military
 - Economic impact (early care)
 - Reduced workdays after work injury (Health/Industrial Systems)

Plan to Educate: Importance of AT Licensure

- NATA Position Statements
- BOC
 - Maintain Certification
 - Practice Analysis
 - Role Delineation
 - Standards of Professional Practice

Plan to Educate: Importance of AT Licensure

- CAATE
 - Standards for Degree Program Accreditation
- Prevention and Safety Publications
 - Agency for Healthcare Research and Quality
 - American Academy of Pediatrics
 - Journal of Athletic Training
 - Inter-Association Consensus Statement on Best Practices for Sports Medicine Management for Secondary Schools and Colleges
 - The Orthopaedic Journal of Sports Medicine

Plan to Educate: Importance of AT Licensure

- GRASS ROOTS
 - Dinner/Lunch
 - Representatives, other professions board members
 - Email/Phone/Letter
 - Paper letter gets more visibility (ask grandma...)
 - Dynamic association representative
 - Well versed
 - Well respected
 - Handles tough situations, comfortable in own skin

Plan to Educate: Importance of AT Licensure

- GRASS ROOTS
 - Get your own organization in line
 - Cant address fringe goals on either side
 - Not a from my perspective but the professions
 - Find middle ground, best for the entire association

Closing

- Deregulation is not always an attack with malice
- Protection of Licensure requires understanding the rational and then educating or finding middle grounds
- Lobbyist helping your board stay abreast of current trends or bills impacting AT is vital
- Pre-Submitted T/F Questions (not an EPB course)
 - **Deregulation is a goal of representatives to inhibit or limit the function of ATs**
 - Answer/s: F (often an honest approach to minimize government oversight)
 - **AT Licensure is not needed as long as employers ensure they employ certified ATs?**
 - Answer/s: F (while that's a good step, without licensure there is no regulation to insure the above)

Discussion and Questions



References

In each slide as presented