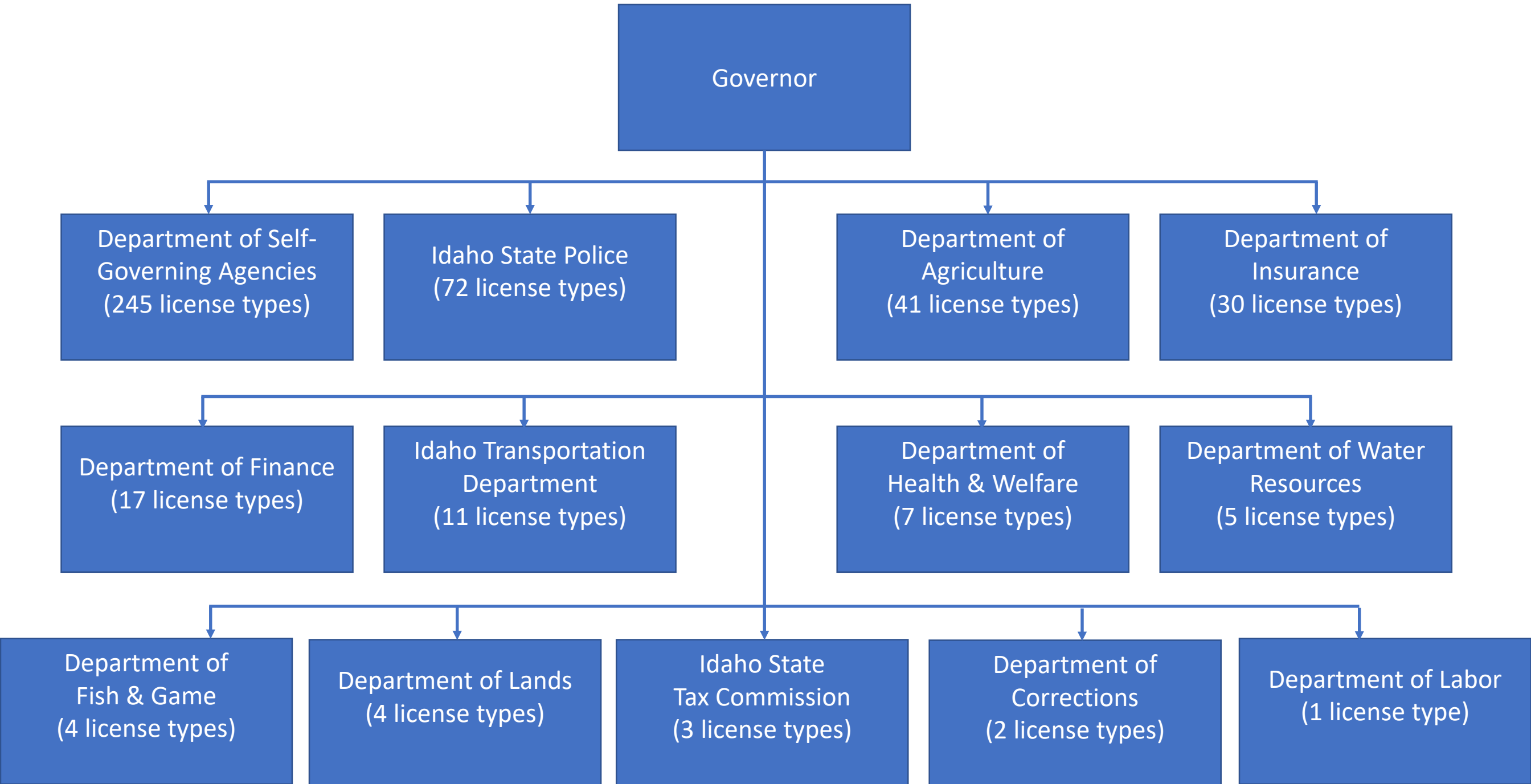


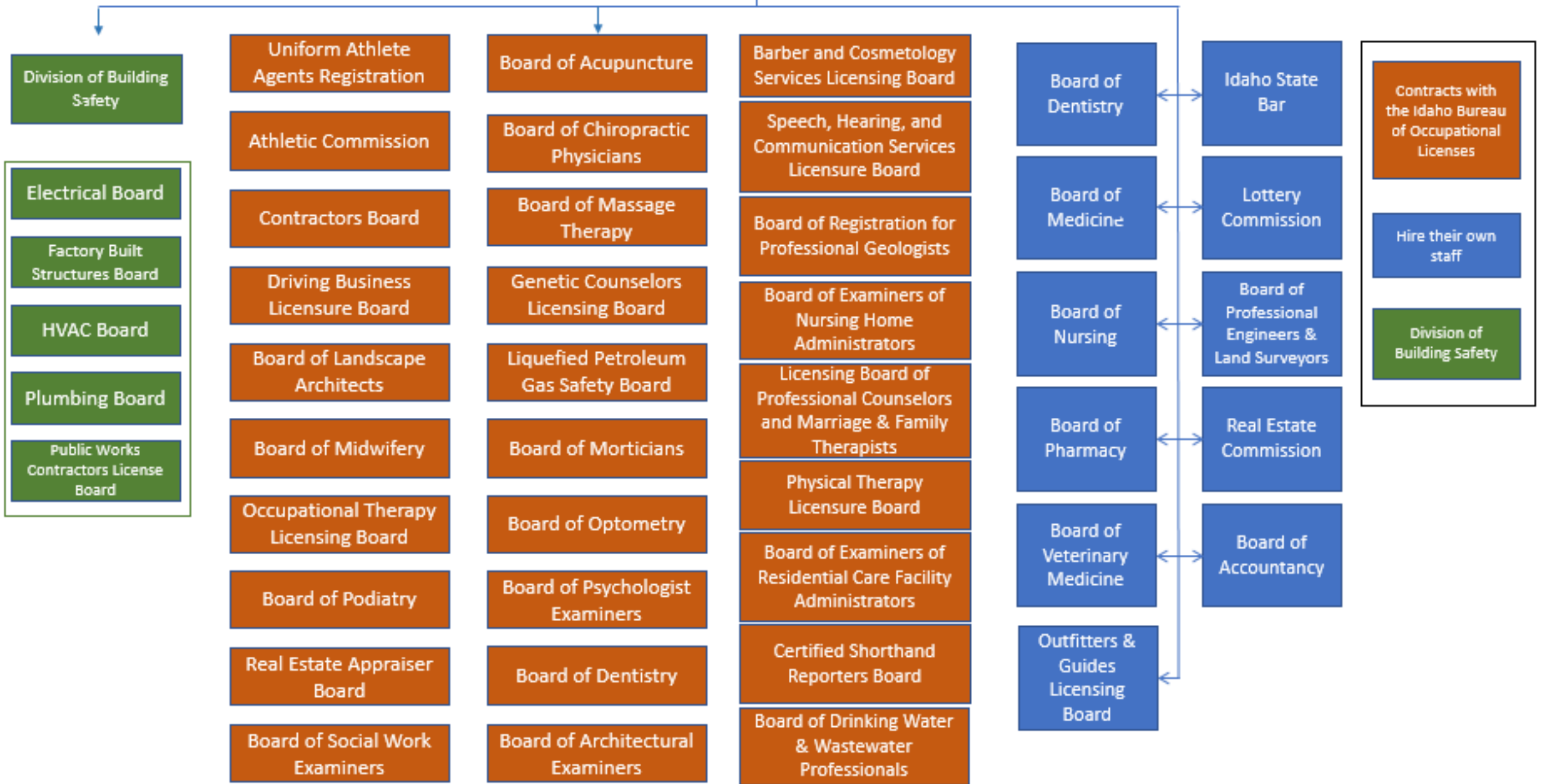
# Licensing Freedom Act Report and Recommendations

**OFFICE OF  
LIEUTENANT GOVERNOR**





# Department of Self-Governing Agencies (245)





# Initial Recommendations- LFA

- **Establish Sunrise Review Process to Evaluate New Proposed Licenses:** Establish an objective review process to determine the compelling public need for proposed licensure prior to enacting any new license types.
- **Create a Sunset Review Process for Existing Licenses:** Create a formal process to review if boards or licensure types can be updated, modernized, or eliminated without affecting public safety.
- **Create an Internal Process for Boards to Regularly Review Policies, Rules, and Statutes:** Boards, commissions, and agencies which administer licenses should regularly review policies, rules, and statutes which govern their actions, striking non-standard, outdated language, and consider updating the act using the model law and rules templates. These efforts would aim to refresh state government.
- **Improve Political Oversight of Occupational Licensure:** In follow up to H.B. 480 and H.B. 482, review options that would improve political oversight. Determine if current structures within the Department of Self Governing Agencies make sense.
- **Centralize Data for all Occupational Licensure:** Use key information from LFA to build database of all occupational licensure and information related to that license. Designate a central coordinating entity within the executive branch for the reporting of occupational licensing information from state agencies, boards, and commissions. One possibility is utilizing TransparentIdaho.gov website, managed by the State Controller.

# Initial Recommendations-LFA



- **Implement Statewide Board and Commission Member Training:** The majority of the Boards and Commissions are composed of Idahoans who volunteer their time. The state should provide training to them on topics such as the Role of the Board, Open Meeting Law, Public Records and the *North Carolina State Board of Dental Examiners vs. Federal Trade Commission* case.
- **Increase License Mobility/Portability:** Adopt language granting more flexibility for boards to consider licensure by endorsement, or pursue licensure by mutual recognition/reciprocity. This could enable easier practice across state lines and for Idaho's border cities, in particular.
- **Reduce Licensing Renewal and Reinstatement Burdens:** Determine if some boards could transition to (at minimum) 2-year licensing renewal cycles, rather than annual renewals. Encourage boards to reduce reinstatement fees and requirements, if within 5 years of allowing license to expire.
- **Streamline License Renewal Requirements:** Increase opportunities for online continuing education. Review requirements for continuing education (e.g., attendance at a specific conference or live program) to ensure they are in place for public protection and not promotion of the profession. Specific requirements can make it difficult and cost-prohibitive for licensees in rural areas. Encourage the consideration of hardship waivers and carryover options.
- **Encourage the Adoption of Technology to Improve Customer Service:** Encourage use of an online application, renewal, and payment process for agencies, boards, and commissions, when possible. Allow digital submission of supporting documents for applications. Ensure licensees and the public have access to online license verification.



# Initial Recommendations-LFA

- **Standardize Honoraria across Boards and Commissions:** Those who serve on boards and commissions are important public servants. We should standardize this payment to those who serve the citizens of Idaho, and take vital time away from their businesses and families to do so.
- **Standardize Efforts to Reduce Burdens on Veterans and Military Spouses:** Follow up efforts (H.B. 1299/I.C. § 67-2620) which allow state agencies to accept military education, training, or service toward meeting the qualification to receive a license, certification, or registration, and allow agencies to expedite the application of a military member or their spouses. The Legislature may want to consider adding military spouses to the provisions which exempt them from the payment of renewal fees while their spouse is on active duty.
- **Standardize the Process for Reviewing Felony Convictions:** Several boards have adopted a rule for an exemption review. Review this rule to be used across agencies, boards, and commissions which conduct occupational licensure.
- **Improve Disciplinary Process for Businesses and Individuals:** Enable all boards to pursue alternative pathways to discipline (e.g., corrective action plans vs. formal discipline). Establish statutes of limitations on administrative discipline.
- **Prohibit Enforcing Guidance Documents:** Prohibit boards from denying a license based on guidance or other factors that are not in statute or rule.
- **Agencies, Boards, and Commissions Implementing Recommendations:** Encourage agencies to move forward with agency bills and rulemaking for the areas they identified in their Executive Order Reports that align with the intent of the LFA.



# Next Steps...

- As follow up, Lieutenant Governor Brad Little will convene a working group to review the agency reports in greater depth, and begin implementing the initial recommendations from this report.
- One key step moving forward is the categorization of these recommendations— determining if they can be enacted through policy, rule, legislation, or executive order. This will help with the division of efforts moving forward.
- Preliminarily, the working group could represent the following:
  - Co-Chairs of the Legislature's Interim Committee on Licensure
  - Additional legislators
  - 2-4 Representatives from boards within the Department of Self Governing Agencies
  - 1-2 Representatives from other Departments which administer occupational licensure
  - A representative designated by the Idaho Board of Correction
  - A representative designated by Department of Commerce and/or Department of Labor
  - A representative from the veterans' community
  - 3-5 members of the public