



Professional and Occupational Regulation: U.S. State Regulatory Structures

Project funded by the Occupational Licensing Policy Learning Consortium: the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center)

Data collection and analysis conducted by the Council on Licensure, Enforcement and Regulation (CLEAR)



Acknowledgments

CLEAR thanks the following individuals who contributed to this project:

Cory Everett, Latino Coalition for Community Leadership, formerly with Colorado Department of Regulatory Agencies, for guidance in developing the quantitative and qualitative survey questions

Sandy Greenberg, ACT ProExam, for guidance in developing and formatting the survey questions, guidance in analysis and presentation of the data, and editing and review of the report

Barbara Bartley, Alabama Board of Nursing; **John Bull**, Maryland Board of Physical Therapy Examiners; **Donna Ennis**, Minnesota Board of Social Work; **Charlotte Martin**, Louisiana Physical Therapy Board; **Micah Matthews**, Washington Medical Commission; and **Ronne Hines**, Colorado Department of Regulatory Agencies for piloting the survey and providing feedback

And all those who submitted responses to the survey



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Executive Summary

“Occupational and professional regulation is a process by which a government agency grants permission to individuals to engage in a specified occupation or profession upon finding that applicants have attained at least the minimal degree of competence required to ensure that the public’s health, safety, and welfare will be reasonably well protected.”¹ The structures of the regulatory entities vary:

- fully autonomous/independent (Model A);
- autonomous but with a central agency responsible for housekeeping/administrative functions (Model B);
- autonomous/independent decision-making authority but with a central agency responsible for housekeeping/administration, budget, personnel, investigations, and discipline (Model C);
- central agency with decision-making authority on all substantive matters while boards are delegated responsibility for some functions (Model D); or
- central agency, commission, or council with final decision-making authority and boards serving only in an advisory capacity (Model E).

State members of the Occupational Licensing Policy Learning Consortium project requested a resource with information on the occupational regulatory structures in the U.S. states and the District of Columbia, including the benefits and challenges associated with each model.

In a survey conducted by the Council on Licensure, Enforcement and Regulation (CLEAR), 161 respondents representing 45 states and the District of Columbia (hereafter referred to as jurisdictions) indicated which model best represented the model in use by their regulatory organization. Results have been documented based on the number of models in place within each jurisdiction, responsibility for decision-making authority, and responsibility for operational functions.

Number of models in place within each jurisdiction

- 20 jurisdictions indicated that only one single model was in use.
- 15 jurisdictions indicated the use of two different models.
- 11 jurisdictions indicated the use of three or more different models.

Regardless of the number of different models indicated within a jurisdiction, Model C was indicated most frequently (25), followed by Model A (20), Model B (15), Model D (14), and Model E (9).

Responsibility for decision making

In Models A, B, and C, ultimate decision-making authority on all substantive matters lies with the individual boards. In Models D and E, ultimate decision-making authority lies with the central agency.

- 26 jurisdictions indicated that decision-making authority lies with the individual boards.
- 4 jurisdictions indicated that decision-making authority lies with the central agency.
- 16 jurisdictions indicated a mix of models, with some individual boards holding decision-making authority and others being governed by a central agency.

¹ Schmitt, K. (2018). *Questions a legislator should ask, 3rd edition*. Nicholasville, KY: Council on Licensure, Enforcement and Regulation. p. 8



Responsibility for operational functions

In Model A, the autonomous board has responsibility for all operational functions. In Models B, C, D, and E, the central agency is responsible for increasing amounts of operational functions.

- 6 jurisdictions indicated that operational functions are controlled by fully autonomous boards.
- 26 jurisdictions indicated that varying degrees of operational functions are handled by a central agency.
- 14 jurisdictions indicated a mix of models.

What are the benefits and challenges of each model?

When describing the benefits and challenges of the regulatory model in place in their jurisdiction, respondents focused on the themes of efficiency, funding and budget, decision-making authority, streamlining and standardization, communication and collaboration, oversight, and political authority. Comments related to funding and budget, decision-making authority, and political authority more frequently described benefits. Comments related to streamlining/standardization and oversight more frequently described challenges. Comments related to efficiency and communication/collaboration almost equally described benefits and challenges.

When commenting about efficiency, respondents implementing models with autonomous decision-making authority more frequently described benefits, while respondents implementing models with centralized operations somewhat more frequently described challenges. When respondents described benefits related to funding and budget, those with fully autonomous boards noted control of budget and those with centralized operations noted cost-savings. Respondents describing decision-making authority as a benefit were predominantly from boards with autonomous decision-making authority. Respondents noting challenges related to streamlining and standardization were predominantly those implementing models with centralized operations. Finally, respondents commenting on communication and collaboration, either as a benefit or as a challenge, were predominantly those implementing models with centralized operations.

Changing Models

Five jurisdictions reported a recent or proposed change to consolidate boards to a more centralized authority, and two jurisdictions reported a recent or proposed move from a centralized authority to a more autonomous board. Regardless of the direction of the move, respondents cited the impetus for the change as efficiency and cost-savings.

Those changing to a centralized authority also noted antitrust concerns, free-market support, job creation, and other factors as drivers for the change. Those changing to a more autonomous authority also noted the desire for better customer service as an impetus.

Goal of Report

Summarizing the nature of professional and occupational regulation in the United States is complex, as evidenced by the numerous permutations of the structural models in use within jurisdictions. The goal of this report is to provide information to facilitate discussions about the utility of the various models, including the benefits and challenges of each. The verbatim responses of the participants provide a rich source of information and should be considered carefully.



Background

The National Conference of State Legislatures (NCSL) in partnership with the Council of State Governments (CSG) and the National Governors Association Center for Best Practices (NGA Center) are engaged in a four-year project working with states to examine best practices in occupational licensing policy, reduce occupational licensing-related barriers to the labor market, and improve the portability of licenses across state lines. The partner organizations have been working with a group of 11 states, then expanded to 16, providing them with technical assistance, helping them to identify best practices related to licensure, and assisting them with the development of action plans with specific goals to improve licensure in their states. NCSL, in partnership with CSG and NGA, has developed a variety of resources on licensing, including the National Occupational Licensing Database, a set of four companion population reports, and others.

The partner organizations received feedback from most of the Consortium states indicating that it would be extremely helpful to have a resource available that provides detailed information on the occupational regulatory structures implemented in all 50 states and the District of Columbia.

Goal of Report

The goal of the report is to document the specific type(s) of regulatory governance models in use within each jurisdiction as well as the shifts occurring regarding each jurisdiction's preferred model(s). This information will facilitate discussions within and across jurisdictions about the utility of the various models, including the benefits and challenges associated with each model.

The models describe how professional and occupational regulatory organizations function within a governance structure: setting policy and determining standards regarding licensing and professional practice, administering examinations, reviewing applications and issuing licenses and renewals, hiring and supervising staff, investigating complaints and disciplining licensees, setting and collecting fees, managing budgets, and handling general office and administrative/housekeeping functions.

Note: The results presented in the document focus on a narrow segment of a larger dataset collected via survey. Information was collected about the regulatory organization (size of staff, number of licensees, number of yearly applications), size and composition of the governing board, funding sources, revenue distribution, operating budget, and operating expenses. This data may be presented in future reports.

Method

The project partners, through NCSL, worked with the Council on Licensure, Enforcement and Regulation (CLEAR) to collect data on regulatory models in use.

Five regulatory models described by Schmitt (2018) in *Questions a Legislator Should Ask* were presented in a survey that was distributed to the 50 U.S. states and the District of Columbia. Three of the models (A, B, and C) describe variations of an autonomous board from fully autonomous to autonomous but with decreasing authority over decision making and increasing central agency control of operational functions. Two of the models (D and E) describe boards that operate under the control of a central agency—with either highly limited decision making or advisory powers only and most operational functions controlled by a centralized agency. The models are labelled and described in the following:



Model A	Fully autonomous/independent Boards are autonomous/independent. They hire their own staff as well as make decisions about office location, purchasing, and procedures. Each board receives and investigates complaints and disciplines licensees. Each board is responsible for preparing, administering, and grading of examinations or the contracting out of these tasks. Each board sets qualifications for licensing and standards for practice. Boards collect fees and maintain financial records. Board staff oversee applications for licensing and renewal and answer inquiries from licensees and the public.
Model B	Autonomous but with a central agency responsible for housekeeping/administrative functions Boards are autonomous/independent, but less so than in Model A. They set policy and determine standards regarding licensing and professional practice. They prepare or approve examinations or oversee the contracting of this process and decide who is qualified for licensure. They handle complaints and discipline licensees. The board has responsibility for hiring and supervising staff. A central or umbrella agency may be responsible for housekeeping matters such as providing space, answering routine inquiries, collecting fees, issuing licenses and renewals, and maintaining a centralized database or listing of licensed professionals.
Model C	Autonomous/independent decision-making authority but with a central agency responsible for housekeeping/administration, budget, personnel, investigations, and discipline Boards are autonomous/independent and have decision-making authority in many areas. The central or umbrella agency, however, has greater authority over certain functions than in Model B. Its powers go beyond housekeeping. For example, board budgets, personnel, and records may be subject to some control by the agency. A central staff may handle complaints and investigations and adjudicatory hearings, even when boards continue to make final decisions with respect to disciplinary actions.
Model D	Central agency has decision-making authority on all substantive matters while boards are delegated responsibility for some functions Boards are not fully autonomous/independent. That is, they do not have final decision-making authority on all substantive matters as do boards in the preceding models. While the central or umbrella agency provides a wide range of services, boards may be delegated responsibility for such functions as preparing or approving examinations (either developed in-house or by a contractor), setting pass/fail points, recommending professional standards, and recommending disciplinary sanctions. A central agency often has authority to review and overturn certain board decisions.
Model E	Central agency, commission, or council has final decision-making authority and boards serve only in an advisory capacity An agency director, commission, or council, with or without the assistance of a board, runs the regulatory system. Where boards do exist, they are strictly advisory. The agency director, commission, or council has final decision-making authority on all substantive matters. Boards may be delegated such functions as preparing, approving, or contracting for examinations; setting pass/fail points; recommending professional standards; and recommending disciplinary sanctions. A crucial distinction between this model and Model D is that when boards exist, they serve only in an advisory capacity.



An online survey was drafted in order to gather information from the jurisdictions about which model(s) are in use within their jurisdictions. Consultation with CLEAR members (from both central agencies and autonomous boards, as well as those with expertise in survey design) guided the development of the quantitative and qualitative survey questions and format. CLEAR piloted the survey with several members (both central agency and autonomous boards).

Survey respondents were asked to indicate which model best represented the model in use by their regulatory organization. Depending on who the respondent was, they answered on behalf of a single, autonomous board; a single board under a central agency; or a central agency (in which case, they completed information for up to 20+ boards).

The online survey was launched on August 20, 2019 and emailed to 4,252 recipients whose contact information was obtained from the Analyst Resource Center's LICAUTH table (downloaded October 2018) and CLEAR's database of administrative staff from U.S. professional and occupational regulatory organizations (as of August 2019). A first reminder email was sent on August 27, 2019 with a completion deadline of August 30, 2019. An initial dataset, including preliminary responses from 34 jurisdictions, was analysed and presented at the 2019 Multi-State Learning Consortium Meeting, "Occupational Licensing: Assessing State Policy and Practice." Subsequently, a second reminder email was disseminated to members of the sample not previously responding, with a deadline of October 15 and a final extension of October 21, 2019. See Appendix 1 for a copy of the final survey.

Results: Categorizing the Jurisdictions

In total, 161 responses were received from 45 states and the District of Columbia (hereafter referred to as jurisdictions in this report). (See Appendix 2 for a list of organizations providing responses on behalf of the jurisdictions and the number of boards reported on in each jurisdiction.)

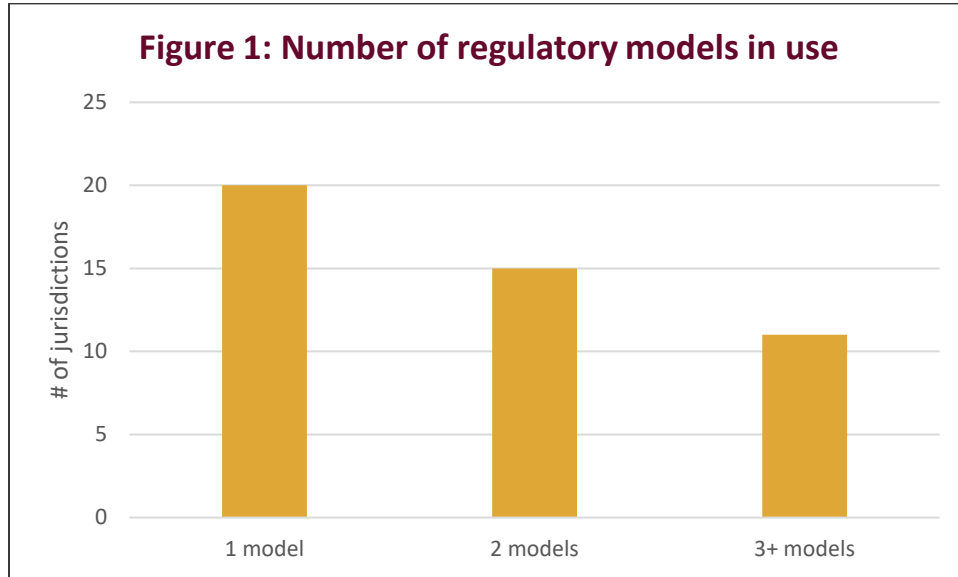
For some jurisdictions, responses were received from multiple boards within the jurisdiction. In some instances, responses from the boards within the jurisdiction indicated that only one model was implemented within the jurisdiction. In other instances, responses from multiple boards indicated that different models were used within the jurisdiction.

Results from the 46 jurisdictions have been documented based on several different factors, including number of models in place within the jurisdiction, responsibility for decision-making authority, and responsibility for operational functions.

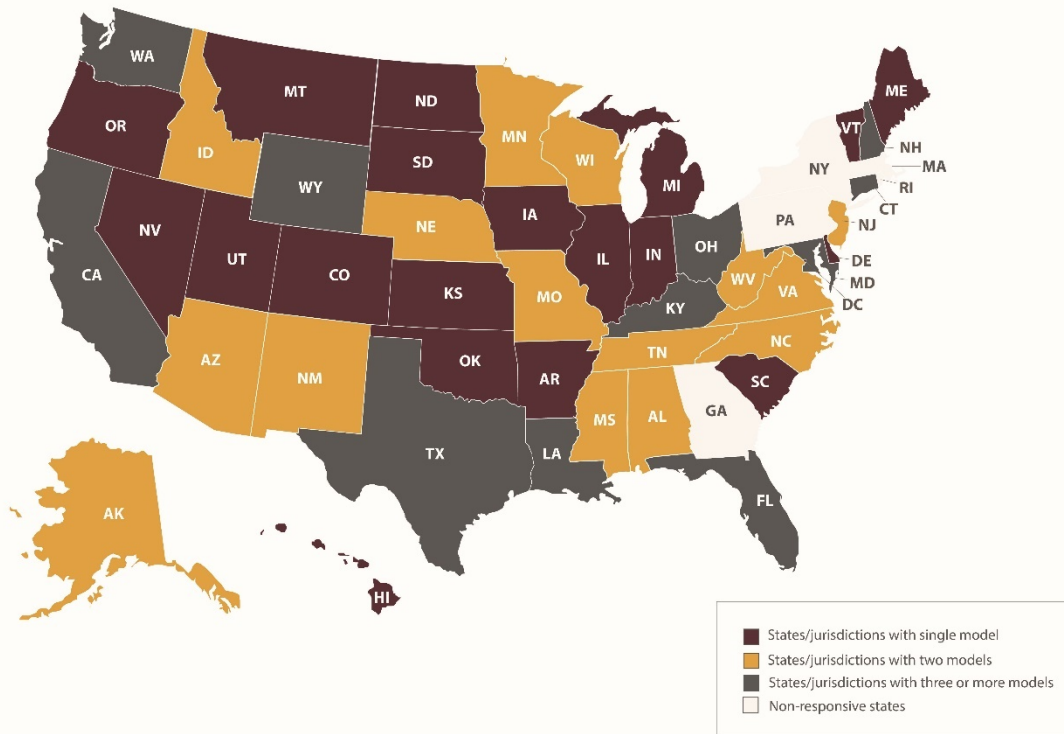
Number of models in place within each jurisdiction

- 20 jurisdictions indicated that only one single model was in use regardless of the number of boards in the jurisdiction,
- 15 jurisdictions indicated the use of two different models, and
- 11 jurisdictions indicated the use of three or more different models.

See Figure 1.



(See Exhibit 1 and below for a map showing the number of models in place by jurisdiction.)

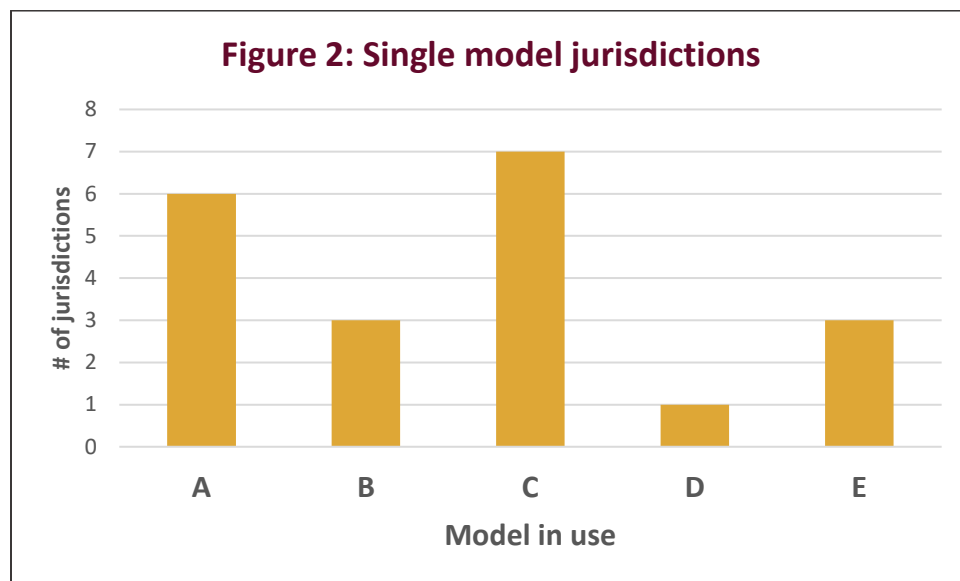


Of the 20 single-model jurisdictions, Model C was most frequently identified as the single model in use (7 times). In order of decreasing frequency, Model A was identified 6 times; Models B and E were each identified 3 times; and Model D was identified 1 time. See Figure 2.

- 6 jurisdictions (District of Columbia, Kansas, Nevada, North Dakota, Oklahoma, and Oregon) indicated Model A, fully autonomous/independent;



- 3 jurisdictions (Arkansas, Iowa, and South Dakota) indicated Model B, autonomous but with a central agency responsible for housekeeping/administrative functions;
- 7 jurisdictions (Colorado, Delaware, Hawaii, Indiana, Maine, Montana, and South Carolina) indicated Model C, autonomous/independent decision-making authority but with a central agency responsible for housekeeping/administration, budget, personnel, investigations, and discipline;
- 1 jurisdiction (Vermont) indicated Model D, central agency has decision-making authority on all substantive matters while boards are delegated responsibility for some functions; and
- 3 jurisdictions (Illinois, Michigan, and Utah) indicated Model E, central agency, commission, or council has final decision-making authority and boards serve only in an advisory capacity.



Of the 15 two-model jurisdictions, Model A was most frequently included in the various combinations (8 times). In order of decreasing frequency, Model C was included 7 times, Model D was included 5 times, Model B was included 4 times, Model E was included 3 times, and *Other* was included 3 times.

Combinations of two models were indicated by jurisdictions as follows:

- 3 indicated use of Models A and D (Alabama, Nevada, and New Jersey);
- 2 indicated Models A and C (North Carolina and West Virginia);
- 2 indicated Models A and E (Minnesota and Mississippi);
- 2 indicated Model B and Other (Alaska and Montana);
- 2 indicated Models C and D (New Mexico and Wisconsin);
- 1 indicated Models A and B (Arizona);
- 1 indicated Models B and C (Tennessee);
- 1 indicated Models C and E (Virginia); and
- 1 indicated Model C and Other (Idaho).

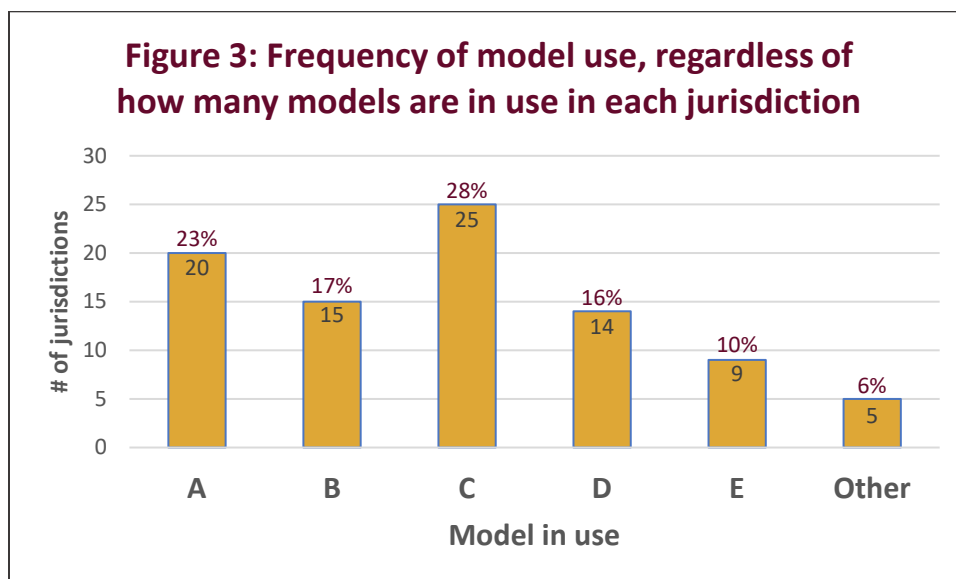
Of the 11 jurisdictions indicating three or more models in use, Model C was most frequently included in the various combinations (11 times). In order of decreasing frequency, Model B and Model D were each included 8 times, Model A was included 6 times, Model E was included 3 times, and *Other* was included 2 times.



Combinations of three models were indicated by jurisdictions as follows:

- 2 indicated Models A, B, and C (Ohio and Texas);
- 2 indicated Models B, C, and D (California and New Hampshire);
- 1 indicated Models A, C, and D (Maryland);
- 1 indicated Models C, D, and E (Connecticut);
- 1 indicated Models C, D, and Other (Florida);
- 1 indicated Models A, B, C, and D (Kentucky);
- 1 indicated Models A, B, C, and E (Louisiana);
- 1 indicated Models B, C, D, and Other (Washington); and
- 1 indicated Models A, B, C, D, and E (Wyoming).

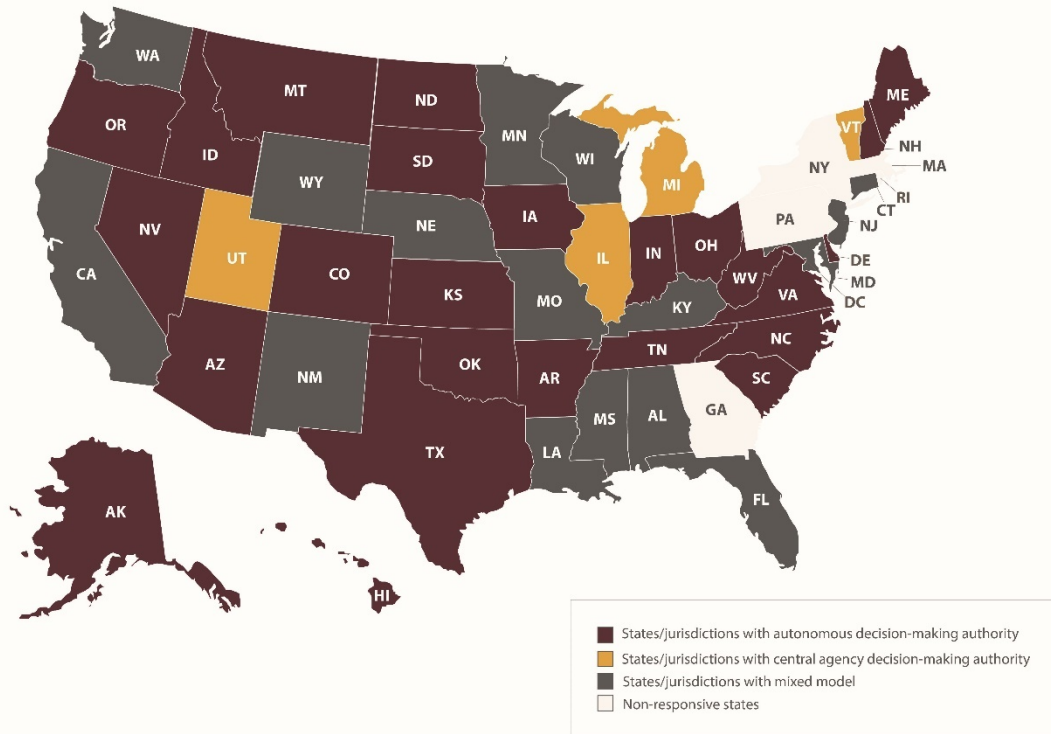
Regardless of the number of different models indicated within a jurisdiction, Model C was identified as in use by 25 jurisdictions, Model A by 20 jurisdictions, Model B by 15 jurisdictions, Model D by 14 jurisdictions, and Model E by 9 jurisdictions. In summary, variations of autonomous models were more frequently implemented than variations of central agency or *Other* models. See Figure 3.



Responsibility for decision making

Jurisdictions have also been grouped based on where decision-making authority lies (with the board versus the central agency). In Models A, B, and C, ultimate decision-making authority on all substantive matters lies with the individual boards. The individual boards set policy, set qualifications for licensure, determine standards for practice, and make final decisions on disciplinary actions. In Models D and E, ultimate decision-making authority lies with the central agency. Individual boards may make recommendations or serve in an advisory capacity, but the central agency has final decision-making authority on all substantive matters.

(See Exhibit 2 and below for a map showing decision-making authority by jurisdiction.)

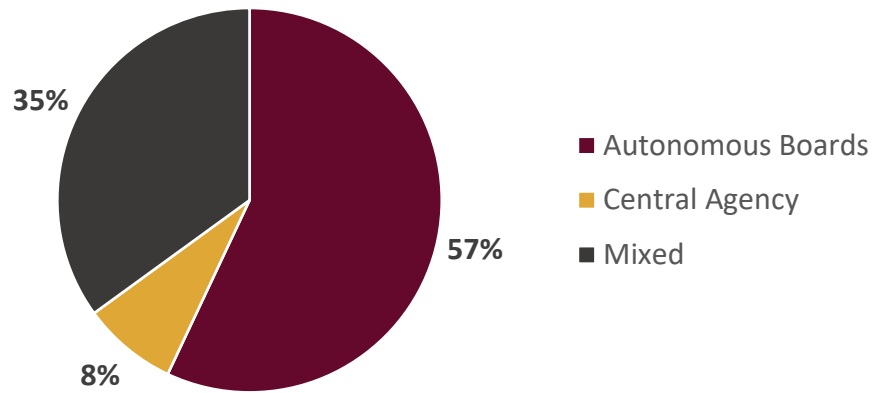


Responses from 30 of the 46 jurisdictions (65%) indicated that the individual boards within a jurisdiction followed a consistent pattern of decision making; that is, 26 of the jurisdictions reported that *all* of their boards have an autonomous model of decision making in place and 4 of the jurisdictions indicated that *all* of their boards have a central agency model of decision making in place. The remaining 16 of the 46 jurisdictions (35%) reported that the boards within their jurisdiction have both autonomous and central-agency decision making. See Figure 4.

- 26 of the 46 jurisdictions indicated that decision-making authority lies with the individual boards; that is, these jurisdictions use Model A, B, or C (AK, AZ, AR, CO, DE, DC, HI, ID, IN, IA, KS, ME, MT, NV, NH, NC, ND, OH, OK, OR, SC, SD, TN, TX, VA, and WV);
- 4 jurisdictions indicated that a central agency with decision-making authority is the only model in their jurisdiction; these jurisdictions use either Model D or E (IL, MI, UT, VT); and
- 16 jurisdictions indicated that decision-making authority was not consistent across all of the boards in their jurisdiction; that is, some individual boards had decision-making authority (Model A, B, or C) while others were governed by a central agency (Model D and E) (AL, CA, CT, FL, KY, LA, MD, MO, MN, MS, NE, NJ, NM, WA, WI, WY).



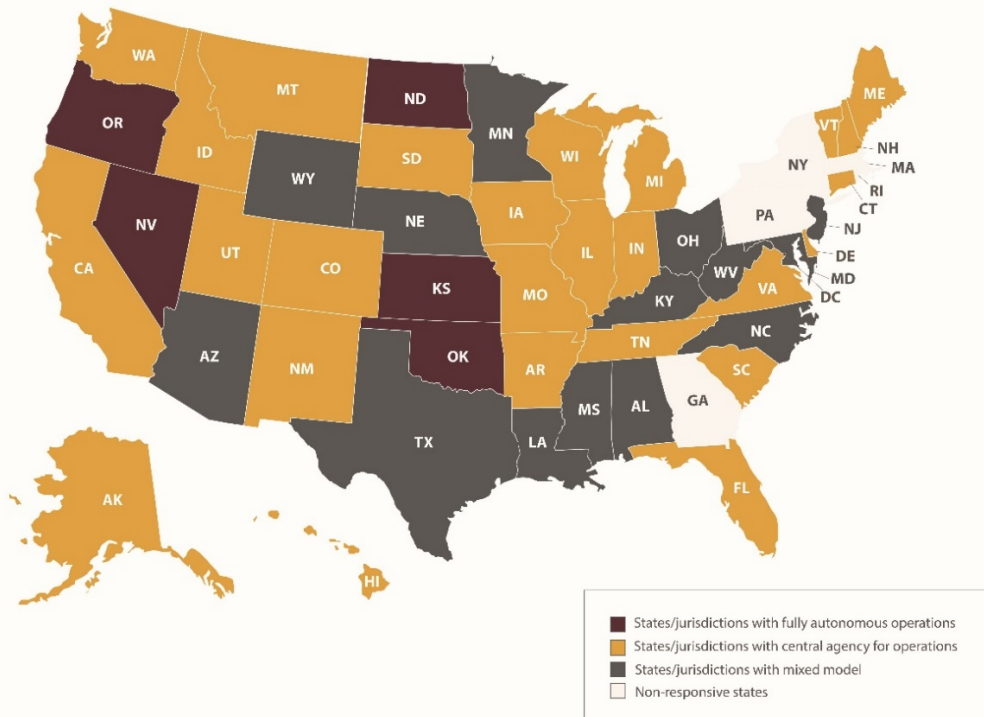
Figure 4: Responsibility for Decision Making



Responsibility for operational functions

The jurisdictions have also been grouped by where operational functions are housed. Operational authority refers to control over such functions as providing office space, answering routine inquiries, collecting fees, issuing licenses and renewals, and maintaining a listing of licensed individuals and may extend to such functions as budgeting, hiring staff, maintaining records, handling complaints, and conducting investigations. In Model A, the autonomous board has responsibility for all operational functions. In Models B, C, D, and E, the central agency is responsible for increasing amounts of operational functions.

(See Exhibit 3 and below for a map showing the location of operational functions by jurisdiction.)

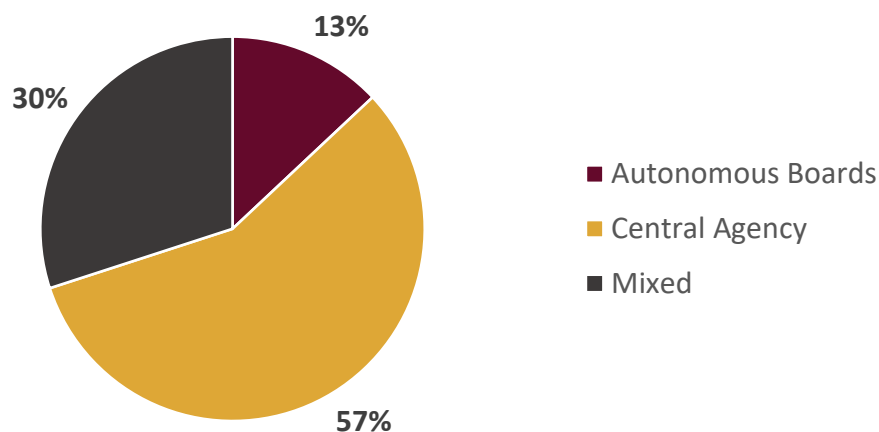




Responses from 32 of the 46 jurisdictions (70%) indicated that the individual boards within a jurisdiction followed a consistent pattern of operational authority; that is, 6 of the jurisdictions reported that *all* of their boards have an autonomous model in place and 26 of the jurisdictions indicated that *all* of their boards have a variation of a central agency model in place. The remaining 14 of the 46 jurisdictions (30%) reported that their jurisdiction includes both boards with autonomous operational authority and boards with central agency operational authority. See Figure 5.

- 6 jurisdictions indicated that operational functions are controlled by fully autonomous boards; that is, these jurisdictions use Model A (DC, KS, NV, ND, OK, and OR);
- 26 jurisdictions indicated that some degree of operational functions are handled by a central agency; that is, these jurisdictions use Model B, C, D, or E (AK, AR, CA, CO, CT, DE, FL, HI, ID, IL, IN, IA, ME, MI, MO, MT, NH, NM, SC, SD, TN, UT, VT, VA, WA, and WI); and
- 14 jurisdictions indicated that there is a mix of models in use, with individual boards responsible for operational functions for some professions and a central agency responsible for operational functions for other professions (AL, AZ, KY, LA, MD, MN, MS, NE, NJ, NC, OH, TX, WV, and WY).

Figure 5: Responsibility for Operational Functions



Looking at the various combinations of decision-making and operational authority, six jurisdictions indicated autonomous decision-making authority and autonomous operational authority. Four jurisdictions indicated centralized decision-making authority and centralized operational authority. Fifteen jurisdictions indicated that they maintain autonomous decision-making authority but have centralized operational authority. Of those with mixed models, five jurisdictions have autonomous decision-making authority and a mixed model for operations, and seven jurisdictions have a mixed model for decision-making and a centralized model for operations. The remaining nine jurisdictions have a mixed model for both decision-making authority and operations. See Figure 6 for a graphic representation.

(See Appendix 4 for a chart of data by jurisdiction, listing number of models, model for decision-making authority, and model for operational authority.)



Figure 6: Combinations of Decision-making and Operational Authority

		Decision-making Authority		
		autonomous	mixed	centralized
Operational Authority	autonomous	6 jurisdictions DC, KS, NV, ND, OK, OR	---	---
	mixed	5 jurisdictions AZ, NC, OH, TX, WV	9 jurisdictions AL, KY, LA, MD, MN, MS, NE, NJ, WY	---
	centralized	15 jurisdictions AK, AR, CO, DE, HI, ID, IN, IA, ME, MT, NH, SC, SD, TN, VA	7 jurisdictions CA, CT, FL, MO, NM, WA, WI	4 jurisdictions IL, MI, UT, VT

Results: Benefits and Challenges of the Models

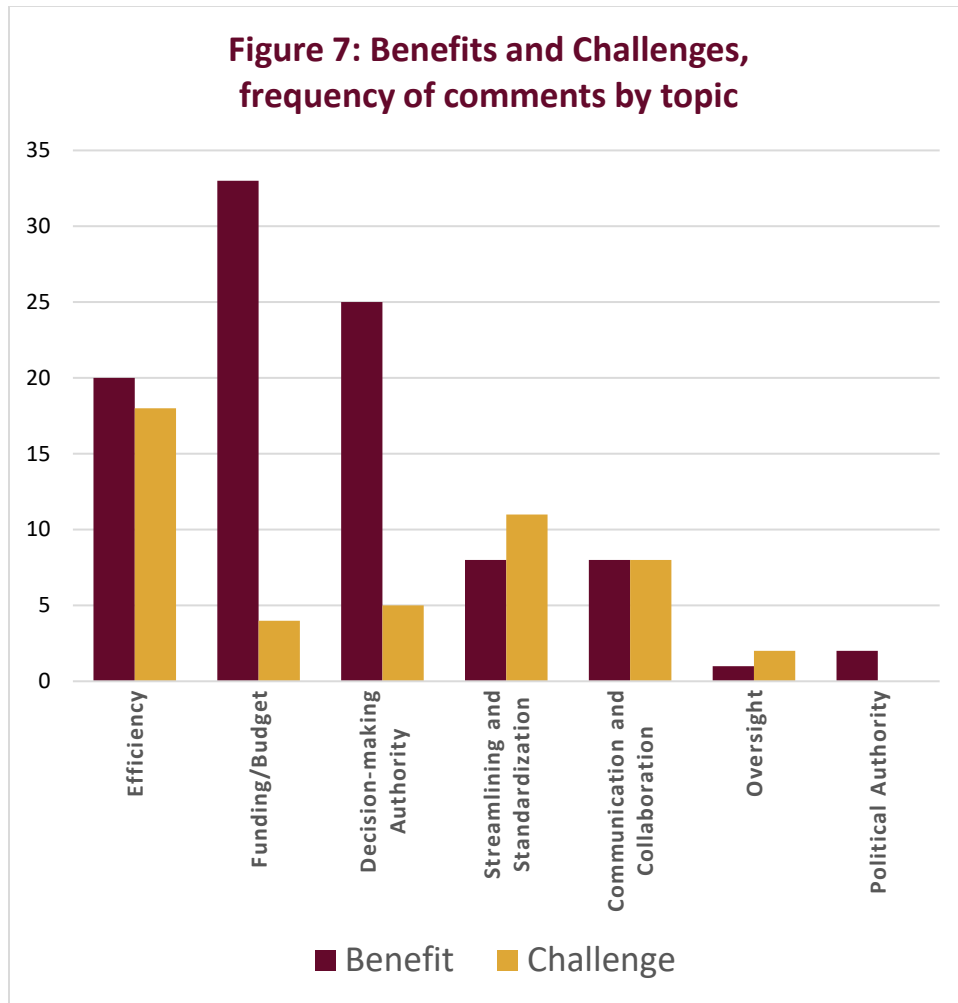
Respondents were given the opportunity to describe any benefits and challenges of the regulatory model in place in their own jurisdiction. Regardless of the model in place, the respondents most frequently focused on specific topics such as efficiency, funding and budget, decision-making authority, streamlining and standardization, communication and collaboration, oversight, and political authority. (See Appendix 3 for a copy of all verbatim responses.)

The following list highlights the topic, number, and nature of the comments made by the respondents. See Figure 7 for a graphic representation.

- Efficiency (38)— an almost equal number of comments described benefits (20) and challenges (18) of the specific models.
- Funding and budget (37)— a majority (33) described benefits, while only 4 described challenges.
- Decision-making authority (30)— a majority (25) described benefits, while only 5 described challenges.
- Streamlining and standardization (19)— respondents somewhat more frequently described challenges (11) than benefits (8).



- Communication and collaboration (16)— respondents equally addressed benefits and challenges (8 each).
- Oversight (3)— 2 respondents described challenges of the model while 1 respondent described benefits of the model.
- Political authority (2)— both respondents described benefits of the model.



Results: Changing Models

Respondents were asked if their organization had recently considered making changes or made changes to transition from one model to another model.

Changes described by respondents fell under two broad (but diametrically opposed) categories— consolidating boards under a centralized authority versus moving from a centralized authority to a more autonomous board. Respondents from boards in five jurisdictions (KY, NV, OH, TX, and WV) reported a move (or proposed move) to a centralized authority, whereas respondents from boards in two jurisdictions (KY and WA) reported a move (or proposed move) to an autonomous authority.



Respondents reporting a change (or a considered change) to a consolidated and centralized authority cited several factors as the impetus for the change. Efficiency was the most frequently mentioned factor, followed by cost-savings and addressing anti-trust concerns. Other factors mentioned were free-market support, job creation, addressing compliance issues, small staff and board mismanagement requiring oversight, and the existence of a specific political agenda.

Interestingly, respondents reporting a change in the opposite direction (from a centralized authority to a more autonomous board) also described a subset of similar factors —cost-savings and efficiency—as the impetus for the change. Additionally, they indicated that the desire for better customer service was a driver for moving from a centralized authority to a more autonomous board.

Discussion

Caution should be taken in reviewing and interpreting the quantitative and qualitative results. Not every board in every U.S. jurisdiction was represented in the responses. Other boards not responding to the survey from these same jurisdictions may use the same or different model(s). Moreover, the data provided by the respondents was not audited for accuracy; in some instances, inconsistencies were noted. For example, two or more respondents from the same jurisdiction classified the same boards within their jurisdictions differently. While the descriptions of the models were thought to have provided enough detail to allow respondents to accurately categorize their boards, misunderstandings may have arisen.

At the same time, CLEAR recognizes that completion of the survey required substantial effort from the participants. The full survey asked respondents for data topics beyond those reported, including size of staff, number of licensees, number of governing board members, composition of governing board, budget, and breakdown of operating expenses. Respondents responsible for regulating multiple professions or occupations were asked to provide the above information about each profession or occupation; in some cases, this required responses on behalf of 20+ different boards. CLEAR also recognizes that the ability to focus attention on data collection requires significant resources. The availability of resources for data collection can vary widely from jurisdiction to jurisdiction and even from organization to organization within the same jurisdiction.

Summarizing the nature of professional and occupational regulation in the United States is complex, as evidenced by the numerous permutations of the structural models in use within jurisdictions. Across the jurisdictions:

- Jurisdictions were more likely to include boards using only one or two different regulatory models than three or more regulatory models.
- In 65% of all instances, jurisdictions are consistent regarding responsibility for decision making; they more commonly have an autonomous regulatory model in place wherein decision making resides in the individual boards rather than in a central agency. In the remaining 35% of all instances, jurisdictions indicated that responsibility for decision making was inconsistent—residing with individual boards for some professions and a central agency for other professions.
- In only 13% of all instances did jurisdictions use a regulatory model wherein all responsibility for operational functions consistently resides with their autonomous boards. In 57% of all instances, jurisdictions have models in place wherein some degree of responsibility for operational functions is consistently handled by the central agency. In the remaining 30% of all instances, the jurisdictions



were inconsistent; that is, some boards are responsible for their own operational functions and other boards are not.

Perhaps the most valuable information obtained from the survey relates to the qualitative comments the respondents made regarding the benefits and challenges of the various models and the advice respondents had to offer about changing models. Those responses are summarized below.

What are the benefits and challenges of each model?

Survey respondents were asked to describe the benefits and challenges of the various models they use. However, they were not required to provide measurable evidence of the impact of those benefits and challenges. Thus, the responses reported herein are purely anecdotal; that said, the responses have been provided by individuals working within the regulatory model on a daily basis and, so, are potentially relevant to any discussions about the use of these models.

Comments related to benefits and challenges of the models were more frequently offered in connection with Models A and B. (This may be because the survey took less time to complete when responding on behalf of a single autonomous board than for a central agency.) Survey respondents indicated that Models A, B, or C were implemented more frequently than Models D or E, thereby resulting in a greater potential for comments related to the former sets of models rather than the latter.

Several themes emerged, often with the benefits and challenges overlapping under the same theme. Themes are presented below in order based on the frequency of response. In each case, selected verbatim responses are included.

Efficiency: Of the 20 respondents noting efficiency as a benefit of their regulatory model, 17 use Model A, 2 Model B, and 1 Model C (models with autonomous decision-making authority). Specifically, respondents talked about quicker, more efficient, and more direct/personal customer service, as well as ease and flexibility to make changes and be responsive to the needs of the industry and the public.

Model	Comment
A	Ability to have staff focus its efforts on our operations, resulting in processing all license applications within 24-48 hours of receipt of required documentation. By maintaining independence and autonomy, we can devote staff resources to serving our customers, applicants, licensees and the general public on a personal basis through direct phone calls and walk-in service -- something which many umbrella boards and agencies simply are unable to provide.
A	An independent model allows us to provide personalized one-on-one support to our licensees, applicants, and members of the public who have questions or need to file a complaint. People who call the office speak directly with a person; there is no circular answering system that sends them to different departments, voicemail boxes, etc. This alleviates a lot of the frustration people often have when they contact a government agency and ensures they receive consistent answers. It also allows for much faster processing of applications and other inquiries because they are not filtered through other departments or agencies.
A	Operational, regulatory, and other matters may be addressed more seamlessly. Less hierarchy for consumers to reach decision-makers.



B	The greatest benefit is that the consumer gets direct access to individuals who can actually assist them with industry specific issues and questions. Both consumer and licensee benefit from this.
A	Less bureaucracy, resulting in regulation that is more responsive to industry changes and the needs of the public; board is more fully engaged with registrants and the public.
A	In operating through an independent, self-funded agency, [we] can be agile and responsive to industry needs. Our customer service also excels with this model as we can complete license processes in 2-3 business days.
A	Being autonomous allows for the Board to provide detailed and expert needs of the profession. It also allows us to complete the tasks and needs in whichever way is needed by the licensing public. While there are issues regarding our small profession and sometimes limited ability, we are mostly able to address legislative and administrative needs quickly.
A	Autonomous agencies have more flexibility to address issues important to the health, safety, and welfare of the public regarding the professions they regulate without the additional baggage of a 'one size fits all' type of issues which come from a large, centralized agency.

Of the 18 respondents noting challenges with efficiency, 6 using Model A focused their responses on their small staff being overwhelmed and the difficulty of implementing change, while 4 respondents using Model B, 6 using Model C, and 2 using Model D (models with centralized operations) focused their comments on the lack of expediency, small staff being overwhelmed, turnover in centralized staff, and lack of a staff dedicated to their specific boards.

Model	Comment
B	Difficulty implementing substantive changes for licensing reform without any decision-making authority in board matters.
C	Given that we are dependent on an 'agency' to provide personnel, investigate, etc., things aren't acted upon as quickly as needed.
C	Given that the Board is administratively attached to a main agency, the Board is dependent on that agency for investigations, prosecution, etc. The Board does not have its own enforcement arm; thus, the Board must constantly wait for the agency's enforcement division to take appropriate or immediate action against a licensee.
A	Too much responsibility for a small staff particularly in meeting state purchasing requirements and [responding to] state-imposed regulations and processes.
B	Small staff having to serve several boards and their constituents.
B	The drawback is the constant change in the central agency's staff.
C	A major challenge using that model is personnel and the inability to hire additional merit employees for new positions since it is difficult maintaining contractual employees.
C	We do not have an exclusive executive director, so that individual is spread across all Boards, which leads to bare bones services compared to states with a dedicated executive director. Sharing of investigators, the investigators lack the knowledge to effectively carry out inspections. No dedicated legal counsel, all rules drafted by a paralegal who is also shared across all other boards.



Funding and Budget: Of the 33 respondents noting benefits of their model related to funding and budget, 13 use Model A (autonomous decision-making authority and autonomous operations) and focused their comments on being funded by fees at no cost to the jurisdiction and having control of their own budget and spending. Also noting benefits, 5 respondents with Model B, 14 with Model C, and 1 with Model E (models with centralized operations) focused their comments on sharing of staff and resources leading to strong support and cost-savings. They also mentioned that having a budget for multiple boards under a central agency is helpful to less financially secure boards.

Model	Comment
A	We exist solely on our own fees and fines, and no cost is borne by the state.
A	We operate based on our licensing fees and not through the State's General Fund.
A	This allows us to be efficient and to control costs as we function within our budget that is based upon exam fees, licensing fees and renewals. We are not supported by tax revenue.
A	The Board maintains its own bank accounts, monitors its budget and provides resources to staff when necessary. There are no barriers to this model.
A	Benefits are the ability to control spending and focus on the priorities of our board, as they determine what is most needed for public protection.
C	All five of our boards are relatively small so combining agency staff to support all of them provides for a more robust support in all aspects of board business.
C	The Bureau operates under one fund, so if a Board had a big regulatory case and went into the red, it can still maintain operations until it can go to the Legislature for a fee increase.

Of the 4 respondents noting challenges with funding and budget, 2 using Model A noted the difficulty in meeting budgeted needs when funded only by fees, and 2 using Model C listed lack of direct control over their budget as a challenge of that model.

Model	Comment
A	Our agency is self-funding via licensing fees and does not rely on any general funds for the state, which means we may have a smaller budget to work with than larger agencies.
A	The challenge is meeting the budgeted needs as we receive no funding outside of our fines and fee structure.
C	The Legislature appropriates funds to the agency. The agency allocates the budget for the board's operations. Under certain statutory guidelines, the board may raise or lower its fees. However, all fees go to the Legislature's general fund. The board has no direct control of whether operations are over or under budget and little influence to correct under staffing.

Decision-making authority: Of the 25 respondents speaking about decision-making authority as a benefit of their model, 14 use Model A, 6 Model B, and 5 Model C (not surprisingly, all models with autonomous decision-making authority). Specifically, they spoke about having control of their own destiny, latitude to carry out their mission, and profession-specific regulation that allows for subject matter experts with a deeper knowledge of the profession.



Model	Comment
A	Benefits include ability to shift resources as needs arise, set targets for performance of each department so that priorities are addressed, and make all operational decisions to maximize staff resources.
A	Benefits include authority to carry out our statutory mission without being questioned as long as we stay in our lane.
A	Retain alacrity in making policy decisions following Board consideration/review with ability to fully implement them through the assistance of counsel.
A	The major benefit of Model A is that the Board has the independence and latitude to fully carry out the intent of its statutory and regulatory mandate to promote public protection. The Board's autonomy aids in furthering its mission to meet the vision health needs of [state] citizens by ensuring that vision care and the delivery of vision services is provided by qualified licensed optometrists.
A	Since we are independent, we have the opportunity to work within the guidelines of the State with some freedom for all administrative functions.
B	Being semi-autonomous means you sometimes have the freedom to do things without too much state interference while also having access to state resources.
B	Benefits also include ability to employ investigators and attorneys with expertise in our specific jurisdiction (physicians and certain other medical professionals).
A	The Board are professionals with the requisite education and experience to understand complexity of the field and expected standards of professionalism and care. The autonomy of the Board provides the flexibility to make decisions that recognize patient safety and utilize tools to strengthen those who practice medicine.
A	Decisions are made by a 9-member board who are familiar with and knowledgeable about our laws and regulations as well as about the day to day practice of real estate.
A	Board member's knowledge and expertise is a benefit when making decisions.
B	Profession-specific regulation has deeper knowledge of the profession.
C	The people making the direct decisions about licensing are professionals and know their own industries.

Of the 5 respondents noting decision-making authority as a challenge of their model, 1 uses Model A, 2 Model B, 1 Model C, and 1 Model E. They noted lack of decision-making authority and approval required from the state or central agency as challenges.

Model	Comment
B	We do not have complete independent authority to carry out our mission (and must obtain approval for travel, expenditures, etc.).
A	We are a state government agency, so we must report to the State and receive certain approvals from the state.
E	We serve at the pleasure of the Governor. While most decisions are determined by the agency, they are subject to the political sway of the Governor and to the Legislature.

Streamlining and Standardization: Of the 11 respondents noting challenges of their model related to streamlining and standardization, 1 uses Model A, while 4 use Model B and 6 Model C (models with



centralized operations). They noted restrictive state policies and that one size does not fit all. They also noted a lack of coordination and consistency between boards.

Model	Comment
A	A challenge is created when a state axiom of "competitive" bid does not support obtaining experts to testify and opine on standards of care. The competitive bid process is designed to get the cheapest; the most appropriate expert is not the cheapest person willing to testify.
B	Challenges are dealing with an agency by contract that try to frustrate our business model.
B	Licensure computer system is tied to all 41 boards and commissions, so it is difficult to get a consensus when a change is needed or made. Cost to upgrade a large system supporting all 41 boards and commissions is astronomical; whereas, with systems for each board or commission, it would be much cheaper and easier to upgrade.
B	The lack of efficiency we experience from procuring services through the agency. There really are no economies of scale that are meaningful. Even purchasing in bulk for IT items costs more. Overall, we pay 26% of our budget to an agency for indirect costs alone and rarely see any ROI.
C	Statutes for the 32 boards are not always consistent with the overarching department statutes since they were all written at different times.
C	Challenges are "one size does not fit all" in standardizing processes.

Of the 8 respondents noting streamlining and standardization as a benefit of their model, 3 have Model C in place, 2 Model D, 1 Model E (models with centralized operations), and 2 *Other*. They noted that streamlining and standardization leads to consistency of service to consumers and licensees and saw it as a benefit that the agency standardizes policy across the state.

Model	Comment
C	As an umbrella agency there are many benefits, including consistency and streamlining for complaints and applications to ensure similar service, similar analysis of risk to protect the public, as well as streamlined and consistency in rulemaking and other functions. The agency also provides an expectation of streamlining pathways with the boards who generally support this philosophy.
C	Consistency and management of multiple versions of processes.
D	Consistency with other units is the greatest benefit.
<i>Other</i>	Central division counsel allows all boards to be consistent in application of laws that impact all the boards.
C	More standardization and oversight of state records, financial management, human resource functions, etc.
D	As an umbrella agency, [we are] able to direct policy (regarding occupational regulation and enforcement) across the entire State. We do not need board approval, although board buy-in and support is always helpful.

Communication and Collaboration: Of the 8 respondents noting benefits of their model related to communication and collaboration, 3 use Model B, 4 Model C, and 1 Model E (models with centralized



operations). They noted that their model facilitates communication, access to data, and idea-sharing amongst the boards.

Model	Comments
B	Benefits include, for example: (1) improved communication, (2) greater support opportunities, and (3) shared knowledge, experiences and resources.
C	Several directors able to communicate to deal with issues and create best practices.
C	The benefit to having the Boards all in one central location is it facilitates communication amongst the Board and the sharing of resources.
B	One credentialing system that allows access to all boards' data.
C	With other boards under one umbrella, convenient to tap other boards for information regarding specific issues.

Of the 8 respondents listing communication and collaboration as a challenge of their model, 3 have Model B in place, 3 Model C, 1 Model D (models with centralized operations), and 1 *Other*. They spoke about misunderstandings related to functions, purpose, and limits of authority.

Model	Comments
B	The drawback is the constant change in the central agency's staff and with that the lack of understanding the limits of their authority.
B	Challenge to inform/educate the umbrella agency on exactly what the Board does and the need to protect the health and safety of the general public.
C	The biggest challenge is making sure both entities (Boards and Agency) stay in their own lanes and within their own authority.
D	The challenge is that boards sometimes have difficulty understanding that they are not autonomous.

Oversight: Noting a challenge of their model, 1 respondent using Model A and 1 using Model C spoke about the lack of active state supervision.

Model	Comments
C	The regulatory model has some challenges to fully comply with the North Carolina case and the direction there.
A	Lack of "active state supervision" could lead to challenges--this has been addressed in our case by the use of an AG-appointed attorney and the creation of an Occupational Licensing Review Commission to review all rules.

Conversely, 1 respondent using Model D noted the benefit of that model in providing oversight and facilitating compliance with the North Carolina dental decision.

Model	Comment
D	The benefit is that the agency provides appropriate oversight so that the boards do not run afoul of the NC dental decision.



Political authority: Noting a benefit of their model, 1 respondent using Model B and 1 using Model C (centralized operations) commented that a large agency has more political authority.

Model	Comments
B	A large agency has more political authority so there is an increased pressure that can be applied in certain situations.
C	A benefit of being administratively attached to a central agency includes, but is not limited to, support of the judiciary when presenting appropriation requests to the legislature.

Other Benefits and Challenges

Respondents also listed some benefits and challenges that did not fit into the above categories.

Benefits:

Model	Comments
A	Greater transparency and accountability (e.g., all decisions are made in public meetings, budgets are presented to legislature each year for approval, etc.).
A	We operate our Board like a business. We can hire and retain through a performance-based model as opposed to models based on tenure or bureaucratic personnel policies.
B	Full buy-in from occupational practitioners for decisions that affect their profession.
A	One board of 9 members, 8 of which represent 5 professions (architecture, engineering, geology, land surveying, landscape architecture) regulate 7 different professions and occupations. The combined board provides support if one profession is challenged or up for deregulation.
E	Accountability to elected officials, loyalty to public before loyalty to industry.

Challenges:

Model	Comments
A	Getting qualified board members.
A	The Board cannot adopt a 'model law' such as those provided by National Councils for the individual professions, because those models do not work for all 7 professions/occupations regulated in [our state].
A	We often feel disconnected from state policy changes and are left in the dark at times.
B	Taking position on legislation that could affect the bureau. We cannot take a public position.
C	Challenges include state pay and classification system and legislative interests may not coincide.

What advice do respondents offer about changing models?

When indicating that their jurisdiction had undergone or was considering a change in model, respondents were also asked to share any advice or caveats they would offer to other organizations considering a transition to a different regulatory model.



Respondents who described moving towards a more centralized structure shared the following verbatim responses:

- Ensure that you have buy-in from necessary parties early; engage in proactive communications and PR campaigns to dispel myths from opponents to the change.
- Always be prepared to explain and demonstrate your organization's mission of consumer protection, and how that is carried out with your licensure requirements, e.g., educational requirements, board actions, continuing education, collaboration with stakeholder groups and interested parties.
- Plan for a longer timeframe for implementation. We have 1 year to launch a new agency and transfer operations to that new agency.

Respondents who described moving towards a more autonomous structure shared the following verbatim responses:

- Database management is the biggest challenge.
- Have a clear focus on performance and public protection. Document changes and improvements.
- Recognize the increased responsibility and risk being more independent brings with respect to fiduciary duties to your board officers and executive staff.

Concluding Remarks

This report presents a snapshot of the governance structure of regulatory boards in the United States as of Fall 2019. While results are presented for 46 jurisdictions, comprehensive information is available for only a subset of all possible boards within each jurisdiction. To further support effective dialogue amongst the boards and the sharing of valuable lessons, we encourage the continuous collection of similar information on a routine basis.



Reference

Schmitt, K. (2018). *Questions a legislator should ask, 3rd edition*. Nicholasville, KY: Council on Licensure, Enforcement and Regulation.



Exhibit 1. Number of Models in Place by Jurisdiction



EXHIBIT 1.
Number of Models in Place by Jurisdiction

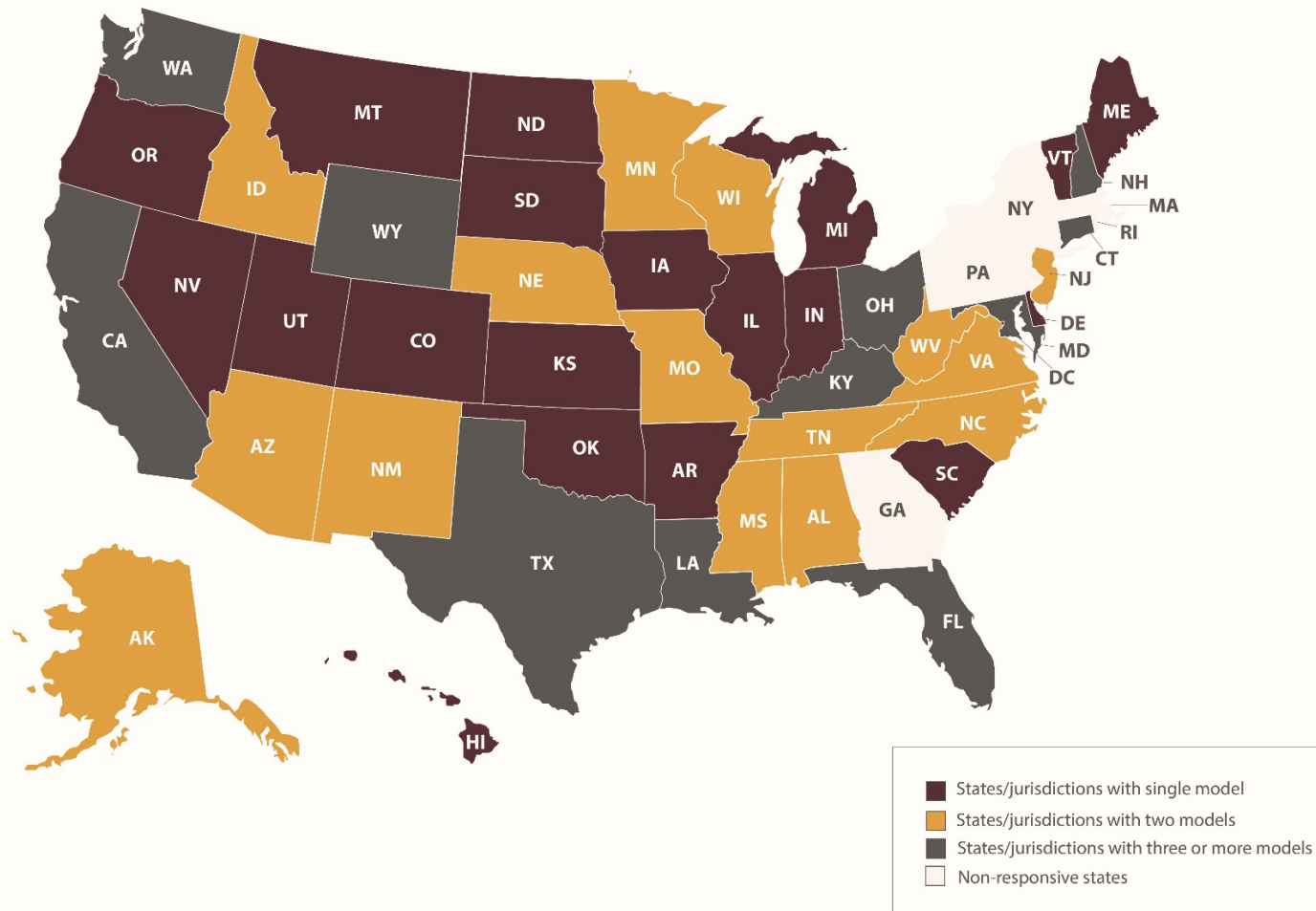




Exhibit 2. Location of Decision-Making Authority by Jurisdiction



EXHIBIT 2.

Location of Decision-Making Authority by Jurisdiction

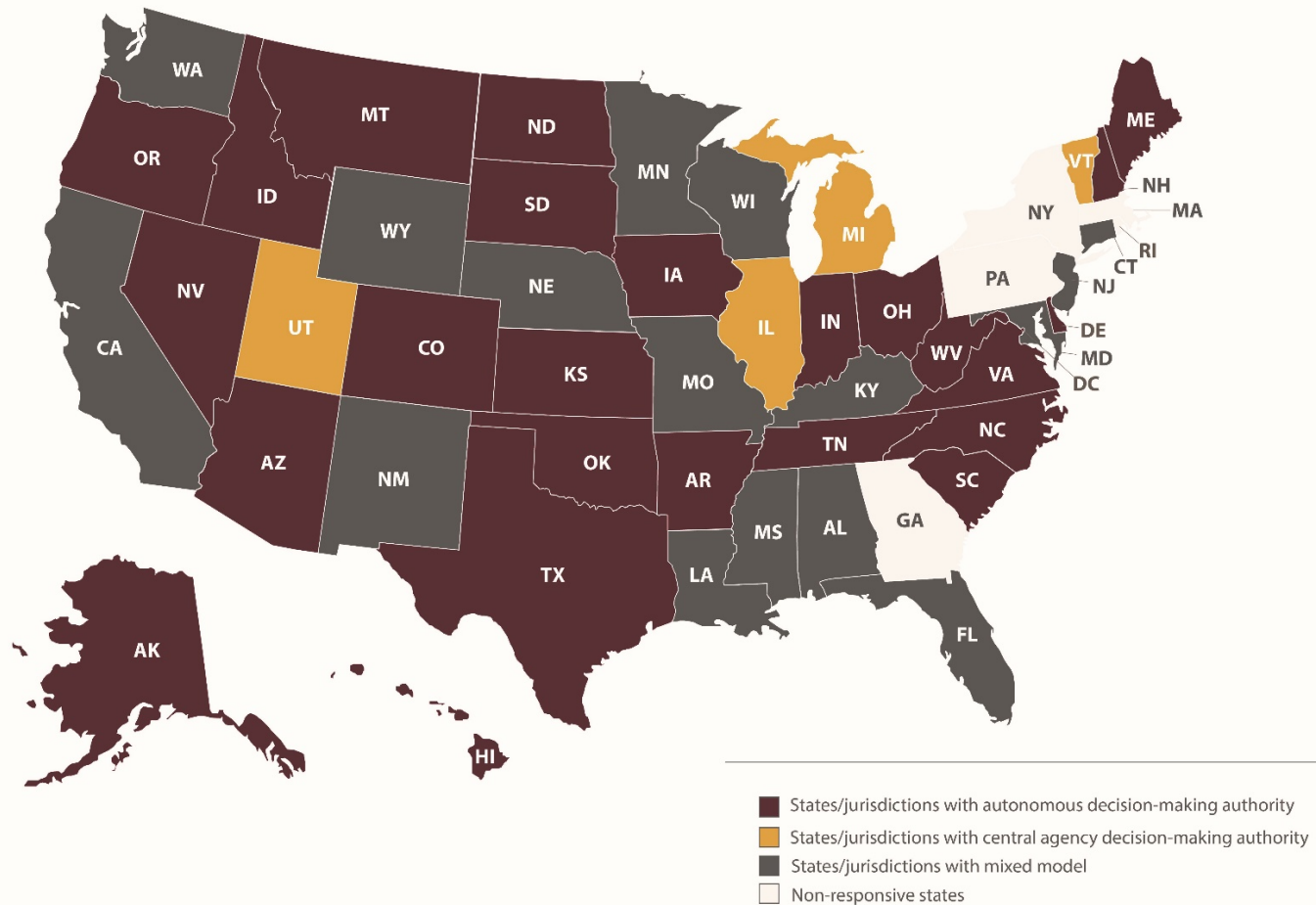
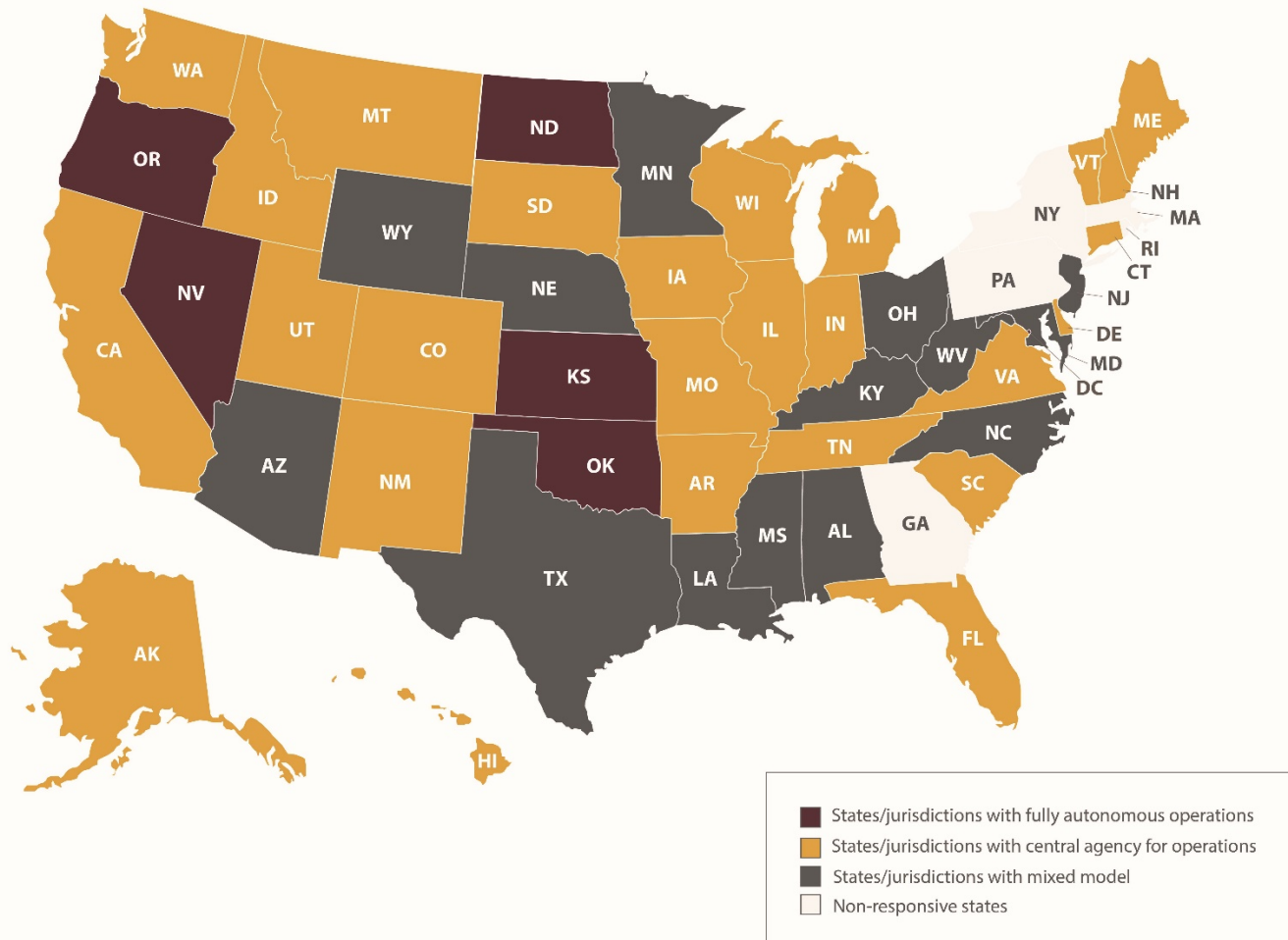




Exhibit 3. Location of Operational Functions by Jurisdiction



EXHIBIT 3.
Location of Operational Functions by Jurisdiction





Appendix 1. Regulatory Models Survey

Dear CLEAR constituent,

As part of the Occupational Licensing Policy Learning Consortium project being undertaken by the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governor’s Association Center for Best Practices (NGA Center), Consortium states have indicated that it would be helpful to have a resource that provides detailed information on the professional and occupational regulatory structures existing in all U.S. jurisdictions, including states, districts, and territories. CLEAR is assisting with this research and would greatly appreciate your feedback. Can you please take a few minutes to answer the following questions related to the regulatory model(s) in your jurisdiction?

The goal of gathering the data is for jurisdictions to see the models in place in other jurisdictions and be able to contact those with similar models to their own, if useful. Additionally, if jurisdictions are considering changing their model, they may elect to contact other jurisdictions with the ‘new’ model.

Note: Information about the specific regulatory models in use will be shared; any information you identify as confidential will be presented in aggregate form only. Should you have any questions as you complete the survey, please reach out to sthompson@clearhq.org for clarification.

The Occupational Licensing Policy Learning Consortium needs your input about regulatory structures in the U.S.

Completing the survey will take between 15 and 30 minutes. Please allow sufficient time to complete the survey in one sitting.

* Contact information

Name	<input type="text"/>
Organization	<input type="text"/>
Address	<input type="text"/>
Address 2	<input type="text"/>
State or Jurisdiction	<input type="text"/>
Email Address	<input type="text"/>

(This information is being collected for follow-up clarification, as needed.)

* I am responding to this survey as a representative of (Select one.):

- An autonomous/independent board (i.e. that exists as its own organization and is operationally separate from any type of state agency)
- A central agency (providing responses for the overall agency)
- A board under a central agency (providing responses for my board only)

(Note: Please answer all remaining questions from this perspective. When a question asks about your "organization," it means your autonomous/independent board, central agency, or board under a central agency as you have indicated by your response here.)



* What is the name of your autonomous/independent board, central agency, or board under a central agency?



* Referencing the **five regulatory models described by CLEAR**, which model best represents the regulatory structure of the organization on whose behalf you are responding? (Click the above link for a comprehensive description of the models. Link will open in a new window. To meet the project's goal of producing a valuable resource for US regulators, please read the models thoroughly before making your selection.)

- Fully autonomous/independent
- Autonomous/independent, but with a central agency responsible for housekeeping/ administrative functions
- Autonomous/independent decision-making authority, but with a central agency responsible for housekeeping/administration, budget, personnel, investigations, and discipline
- Central agency with decision-making authority on all substantive matters, with boards delegated responsibility for some functions
- Central agency, commission, or council with final decision-making authority with boards serving in an advisory capacity only
- Other model not described above (please describe)



Please describe any benefits and challenges of the regulatory model in place in your jurisdiction.

* Has the organization on whose behalf you are responding recently considered making changes or made changes to transition from one model to another?

- Yes
- No

* Please describe the changes considered or made.

* What was the impetus for considering or making the change (for example, efficiency, cost-savings, anticompetitive protections)?

What advice or caveats would you offer to other organizations considering a transition to a different regulatory model?

* How many staff members does the organization on whose behalf you are responding employ?

- | | |
|-----------------------------|-------------------------------|
| <input type="radio"/> 1-5 | <input type="radio"/> 75-99 |
| <input type="radio"/> 6-9 | <input type="radio"/> 100-249 |
| <input type="radio"/> 10-19 | <input type="radio"/> 250-499 |
| <input type="radio"/> 20-49 | <input type="radio"/> 500+ |
| <input type="radio"/> 50-74 | |

* How many different professions/occupations does the organization on whose behalf you are responding regulate?

- | | | |
|-------------------------|--------------------------|------------------------------------|
| <input type="radio"/> 1 | <input type="radio"/> 8 | <input type="radio"/> 15 |
| <input type="radio"/> 2 | <input type="radio"/> 9 | <input type="radio"/> 16 |
| <input type="radio"/> 3 | <input type="radio"/> 10 | <input type="radio"/> 17 |
| <input type="radio"/> 4 | <input type="radio"/> 11 | <input type="radio"/> 18 |
| <input type="radio"/> 5 | <input type="radio"/> 12 | <input type="radio"/> 19 |
| <input type="radio"/> 6 | <input type="radio"/> 13 | <input type="radio"/> 20 |
| <input type="radio"/> 7 | <input type="radio"/> 14 | <input type="radio"/> More than 20 |

* Overall, how many licensees does the organization on whose behalf you are responding (autonomous/independent board, central agency, or board under a central agency) oversee?

* Overall, how many licensure applications does the organization on whose behalf you are responding (autonomous/independent board, central agency, or board under a central agency) receive annually?

* Does the organization on whose behalf you are responding (autonomous/independent board, central agency, or board under a central agency) have a governing board comprised of professional and/or public members?

Yes

No

* How many members serve on your governing board?

* How many of your governing board members are public/citizen members? (If none, enter N/A.)

* Please list any additional requirements related to the composition of your governing board (for example, include active practitioners, academics, financial advisors). (If none, enter N/A.)

* Is your governing board a composite board (with members representing multiple regulated professions/occupations)?

- Yes
- No

Please answer the following questions for one profession that the organization on whose behalf you are responding regulates. (You will be able to provide responses for additional professions on the following pages.)

Name of profession

How many licensees does this profession oversee?

How many licensure applications does this profession receive annually?

Does this profession have a governing board comprised of professional and/or public members?

For this profession, how many members serve on the governing board? (If the profession does not have a governing board, enter N/A.)

For this profession, how many of your governing board members are public/citizen members? (If none, enter N/A.)

For this profession, list any additional requirements related to the composition of your governing board (for example, include active practitioners, academics, financial advisors). (If none, enter N/A.)

Is the governing board for this profession a composite board (with members representing multiple regulated professions/occupations)?

* How is the organization on whose behalf you are responding (autonomous/independent board, central agency, or board under a central agency) primarily funded?

- From the jurisdiction's general fund
- From licensing/renewal fees collected from the professionals we regulate
- From other sources (please describe below)

* Where does the revenue collected by your organization go? (Note: in responding, consider income derived from licensing fees, renewals, other fees.)

- Jurisdiction's general fund
- Autonomous/independent board's account
- Central agency's account
- Accounts of the individual boards under the central agency
- Other (please explain)

If your organization has an annual operating budget, please indicate what it is?
Remember, please respond from the perspective of the organization on whose behalf you are responding (autonomous/independent board, central agency, or board under a central agency).

If your organization has an annual operating budget, what percentage of the operating budget falls into each of the following categories of operating expenses? (*Your percentages must add to 100%. Please enter only numbers and not the % sign.*)

License processing (initial and renewal)	<input type="text"/>
Investigation and Discipline process	<input type="text"/>
Exam administration	<input type="text"/>
Staff salaries	<input type="text"/>
Technology and IT	<input type="text"/>
General office	<input type="text"/>
Other (<i>Please specify categories and specific percentages below.</i>)	<input type="text"/>

Expenses that fall under Other (*please indicate categories and specific percentages for each additional category*).

If a list of boards and organizational structure information for your jurisdiction is available (perhaps from the Governor's office), please provide a link to online data, attach a file below, or email additional materials to sthompson@clearhq.org

Attach a file:

No file chosen

Additional comments or explanatory notes:

On behalf of the Occupational Licensing Policy Learning Consortium members, thank you for your time and efforts. Anonymous information will be summarized and made available through the Occupational Licensing Policy Learning Consortium project.



Appendix 2. Responding Organizations by Jurisdiction and the Number of Professions Regulated

Responses were received from the following:

Jurisdiction	Organization	# of professions regulated (if provided)
AL	Alabama Board of Nursing	6
AL	Alabama State Board of Chiropractic Examiners	1
AL	Alabama Board of Physical Therapy	1
AL	Alabama Board of Cosmetology and Barbering	12
AK	Division of Corporations, Business and Professional Licensing	More than 20
AK	Alaska Division of Banking and Securities	12
AL	Alabama State Board of Prosthetists and Orthotists	12
AZ	Arizona Board of Occupational Therapy Examiners	2
AZ	Arizona State Board of Funeral Directors and Embalmers	1
AZ	Arizona Board of Technical Registration	7
AR	Board of Hearing Instrument Dispensers	1
AR	Arkansas Board of Examiners in Speech Language Pathology and Audiology	
CA	Osteopathic Medical Board of California	
CA	Bureau of Gambling Control	10
CA	CA Department of Consumer Affairs	More than 20
CA	CA Contractors State License Board	More than 20
CA	Bureau of Household Goods and Services	12
CO	Division of Professions and Occupations	More than 20
CT	Connecticut Department of Public Health	More than 20
DE	Division of Professional Regulation	More than 20
DC	Accountancy, Real Estate, Professional Engineering, Barber & Cosmetology, Appraisers, Industrial Trades, Architects & Interior Designers, Combat Sports, Funeral Directors	More than 20
FL	Florida Board of Professional Engineers	1
FL	Department Of Children and Families	
FL	Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, Office of Investigations	More than 20
FL	Bureau of Emergency Medical Oversight	
FL	Florida Board of Accountancy	1
HI	Social Worker Licensing Program	3
HI	Hawaii Medical Board	4
HI	Licensed Marriage and Family Therapist Program	More than 20



ID	Bureau of EMS & Preparedness	
ID	Idaho Bureau of Occupational Licenses	More than 20
ID	Idaho Division of Building Safety	11
IL	Illinois Department of Financial and Professional Regulation	
IN	Indiana Emergency Medical Services Commission	1
IA	Iowa Board of Pharmacy	10
KS	Kansas Board of Cosmetology	3
KS	Kansas State Board of Mortuary Arts	1
KS	Kansas Board of Healing Arts	16
KY	KY Board of EMS	1
KY	Department of Professional Licensing	More than 20
KY	Kentucky Board of Veterinary Examiners	4
KY	Kentucky Board of Licensure of Occupational Therapy	1
KY	Kentucky Board of Dentistry	2
KY	Kentucky Board of Physical Therapy	1
KY	KY Board of Nursing	3
KY	KY Board of Landscape Architects	1
LA	Louisiana State Board of Social Work Examiners	1
LA	Louisiana Physical Therapy Board	1
LA	Louisiana Bureau of EMS	1
LA	Department of Health, Board of Examiners of Psychologists	
LA	Louisiana Board of Examiners for Speech-Language Pathology and Audiology	2
LA	Board of Examiners on Dietetics and Nutrition for the State of Louisiana	2
LA	Louisiana Board of Examiners of Nursing Facility Administrators	1
ME	Office of Professional and Occupational Regulation	More than 20
MD	Maryland Board of Examiners in Optometry	1
MD	Maryland State Board of Dental Examiners	1
MD	Maryland Department of Labor	More than 20
MD	Maryland Board of Physical Therapy Examiners	1
MI	Division of EMS & Trauma	1
MN	Minnesota Board of Marriage and Family Therapy	2
MN	Minnesota Board of Social Work	1
MN	MN Board of Dentistry	5
MS	Mississippi State Board of Architecture	3
MS	Bureau of Emergency Medical Services	
MO	Missouri Real Estate Commission	1
MO	Missouri Division of Professional Registration	More than 20
MO	Missouri State Committee of Psychologists	2
MT	Board of Funeral Service	More than 20



MT	Montana Department of Labor and Industry - Montana Board of Nursing Home Administrators	More than 20
MT	Montana Department of Labor and Industry - Montana Board of Hearing Aid Dispensers	More than 20
MT	Montana Department of Labor and Industry - Board of Physical Therapy Examiners	More than 20
MT	Montana Board of Nursing	1
MT	Montana Department of Labor and Industry	More than 20
NE	Nebraska State Board of Landscape Architects	1
NE	Nebraska Board of Geologists	1
NE	Board of Barber Examiners	
NE	Nebraska Board of Engineers and Architects	2
NV	Nevada State Board of Dispensing Opticians	1
NV	State of Nevada Board of Veterinary Medical Examiners	7
NV	Nevada State Board of Cosmetology	11
NV	Nevada State Contractors Board	1
NV	Nevada Physical Therapy Board	1
NV	Nevada State Board of Nursing	1
NV	State of Nevada Board of Examiners for Social Workers	1
NV	Nevada State Board of Accountancy	1
NV	The Executive Branch/ Governor's office	1
NH	Board of Licensed Alcohol and Other Drug Professions	4
NH	Office of Professional Licensure and Certification, Office of Licensed Allied Health Professionals	10
NH	New Hampshire Board of Nursing	More than 20
NH	OPLC - Barbering and Cosmetology	5
NH	New Hampshire Office of Professional Licensure and Certification	More than 20
NC	North Carolina Licensing Board for General Contractors	1
NC	North Carolina Real Estate Commission	1
NJ	Radiologic Technology Board of Examiners	10
NJ	New Jersey Casino Control Commission	2
NM	State of New Mexico	7
NM	EMS Licensing Commission	1
NC	North Carolina Home Inspector Licensure Board	1
NC	NC Board of Examiners for Engineers and Surveyors	2
NC	North Carolina Board of Massage and Bodywork Therapy	1
NC	North Carolina Social Work Certification and Licensure Board	1
NC	North Carolina State Board of Examiners of Electrical Contractors	1
NC	NC Respiratory Care Board	1
NC	NC State Board of CPA Examiners	1
NC	NC Board of Recreational Therapy Licensure	1



ND	ND Board of Nursing	1
OH	State Medical Board of Ohio	15
OH	Division of Real Estate and Professional Licensing	7
OH	Ohio Speech and Hearing Professionals Board	3
OH	Ohio Board of Executives of Long-Term Services and Supports	3
OH	Ohio Board of Psychology	3
OH	State Board of Emergency Medical, Fire, and Transportation Services	3
OH	Ohio Counselor, Social Worker, & Marriage and Family Therapist Board	3
OH	Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board	9
OH	Ohio State Chiropractic Board	1
OK	Board of Accountancy	1
OK	Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors	2
OK	Oklahoma Securities Commission/Department of Securities	6
OK	Oklahoma Board of Chiropractic Examiners	1
OR	Oregon State Board of Architect Examiners	1
OR	Oregon Board of Optometry	1
OR	Oregon State Board of Nursing	1
OR	Oregon Real Estate Agency	1
SC	SC Residential Builders Commission	More than 20
SC	Department of Labor, Licensing, and Regulation	More than 20
SD	South Dakota Board of Technical Professions	6
TN	Tennessee Department of Commerce and Insurance - Regulatory Boards	More than 20
TN	Department of Health	5
TX	Texas Board of Architectural Examiners	3
TX	Texas Board of Nursing	2
TX	Texas Board of Physical Therapy Examiners	1
TX	Judicial Branch Certification Commission	4
TX	Texas State Board of Examiners of Marriage and Family Therapists	1
TX	Texas State Board of Examiners of Psychologists	
UT	Utah Division of Occupational and Professional Licensing	More than 20
VT	Vermont Secretary of State's Office of Professional Regulation	More than 20
VA	Division of Regulation and Compliance	3
VA	Department of Health Professions	More than 20
VA	Virginia Department of Health - Office of Emergency Medical Services	1
WA	Washington State Chiropractic Quality Assurance Commission	



WA	WA State Nursing Care Quality Assurance Commission	1
WA	Washington State Executive Ethics Board	More than 20
WA	Washington State Department of Licensing Professional Licensing Support Services	6
WA	Regulatory Board Section - 5 separate boards - Architect, Landscape Architect, Geologist, Collection Agencies, Funeral and Cemetery	5
WA	Behavior Health Professions	More than 20
WA	Washington Medical Commission	2
WV	WV Board of Social Work	1
WV	WV RN Board	2
WV	WV Board of Veterinary Medicine	3
WI	Wisconsin Accounting Examining Board	More than 20
WI	Marriage & Family Therapy, Professional Counselor, and Social Work Examining Board	3
WI	Pharmacy Examining Board	1
WI	Department of Safety and Professional Services	More than 20
WY	Wyoming Department of Insurance	1
WY	Wyoming Department of Administration and Information Professional Licensing Boards	More than 20
WY	Wyoming Mental Health Professions Licensing Board	1
WY	Wyoming Real Estate Commission and Certified Real Estate Appraiser Board	2
WY	Wyoming Board of Certified Public Accountants	
WY	Fire Prevention and Electrical Safety	3

No responses were received from GA, MA, NY, PA, or RI.



Appendix 3. Open-ended Questions and Verbatim Responses

*** Referencing the five regulatory models described by CLEAR, which model *best* represents the regulatory structure of the organization on whose behalf you are responding?
Other model not described above. Please describe.**

Central agency with common administrative/budget/investigative functions, 21 boards with governance authority for practice and discipline, 22 programs where director holds that authority.

Autonomous/independent responsible for housekeeping, admin, licensing, budget, personnel, investigation and discipline but we work by contract with a central agency and our funding comes from a line item in the general budget. We were established by a statute in 1998. Services to the board are provided by employees of a 501(c)(3), non-profit corporation.

Central agency with decision-making authority on most substantive matters. Board has authority over the agency. Commission and Committee have statutory authority over specific matters and serve in an advisory capacity on other matters.

The Division contains numerous autonomous boards but some offices for which the Division is the decision-making authority. Additionally, the Division has a central agency responsible for administrative functions, legal support, budget, human resources, travel and investigations.

Washington has Boards and Commissions which are semi-autonomous; and professions under the disciplinary authority of the Secretary of Health.

*** Please describe any benefits and challenges of the regulatory model in place in your jurisdiction.**

Model	Benefits and Challenges
A	While we are an autonomous fee-based Board, we are a state government agency so we have to report to the State and receive certain approvals from the state.
A	We operate based on our licensing fees and not through the State's General Fund.
A	We have no challenges at this time.
A	We feel we benefit by being autonomous in that we can respond to the consumers' needs in a quicker more efficient manner.
A	We exist solely on our own fees and fines and no cost is borne by the state.
A	We are a title 54 board which provides us with the independence to establish our own structure (per statutes). We are self-funded so therefore are not dependent on state funding. We are a strong board and manage operations independent of the state. We do however, ultimately report to the Governor so we follow the state administrative manual.
A	Timely legislative changes. Implementing new rules. License compliance enforcement.
A	There have not been any challenges presented to the Board in their ability to regulate the profession of chiropractic, and to be able to continue to provide protection for the public's health, safety and welfare.
A	The major benefit of Model A is that the Board has the independence and latitude to fully carry out the intent of its statutory and regulatory mandate to promote public protection. The Board's autonomy aids in furthering its mission to meet the vision health needs of



	[state] citizens by ensuring that vision care and the delivery of vision services is provided by qualified licensed optometrists.
A	The fully-autonomous board structure utilized for health care regulation in [state] is sustainable, in large part, because the independent health regulatory boards (of which there are 18) also work within a collaborative structure for management of shared tasks & resources (such as shared common space/conference rooms; shared payroll and purchasing staff; shared costs for associated entities such as Criminal Background Check program, Health Professionals Services Program, etc.). Absent this collaborative structure, it would be difficult for a small board (of which there are 7-8 in [state], one of which is the Board of MFT) to operate in a cost-effective manner.
A	The Board are professionals with the requisite education and experience to understand complexity of the field and expected standards of professionalism and care. The autonomy of the Board provides the flexibility to make decisions that recognize patient safety and utilize tools to strengthen those who practice medicine. A challenge is created when a state axiom of "competitive" bid does not support obtaining experts to testify and opine on standards of care. The competitive bid process is designed to get the cheapest; the most appropriate expert is not the cheapest person willing to testify.
A	The benefit is the independence to be receptive to changes in the industry and adapt to those changes. The challenge is meeting the budgeted needs as we receive no funding outside of our fines and fee structure.
A	Since we are independent, we have the opportunity to work within the guidelines of the State with some freedom for all administrative functions.
A	Recently enacted sunset law will require periodic justification for its existence, the opportunity to self-regulate the psychology profession with state oversight
A	Our structure allows for efficiencies to be implemented quickly that saves time and money. We can be more responsive to the needs of the licensees and facilities regarding the scope of practice and overall policy guidance.
A	Our board has been dealing with updating our statutes for the last five years.
A	Our Agency is a stand-alone agency which is run by a "Commissioner" (Administrator). Our Board and its members are advisory only. They do not set policy for the agency, are not involved in the regulatory, budget, or general management of the agency. The board is responsible for administering licensing exams and approving experience waivers.
A	Operational, regulatory, and other matters may be addressed more seamlessly. Less hierarchy for consumers to reach decision-makers.
A	One challenge is that we often feel disconnected from state policy changes and are left in the dark at times.
A	Mandated use of other centralized functions
A	Maintaining sufficient funds with licensure fees.
A	In operating through an independent, self-funded agency, the [state boards] are able to be agile and responsive to industry needs. Our customer service also excels with this model as we are able to complete license processes in 2-3 business days.
A	I believe that it is a benefit to operate under the autonomous model. The Board is able to operate as a business without the bureaucratic red tape that often causes boards to be inefficient. The Board is streamlined and able to provide service to its constituents while remaining fiscally responsible. The Board maintains its own bank accounts, monitors its



	budget and provides resources to staff when necessary. There are no barriers to this model.
A	Greatness benefit is complete control of all funds. Greatness challenges is the constant assault by the groups challenging any type of state regulation of professions.
A	Efficient, quickly responsive, cost effective
A	Decisions are made by a 9-member board who are familiar with and knowledgeable about our laws and regulations as well as about the day to day practice of real estate.
A	Can better control our own destiny as an autonomous agency until the legislature says otherwise.
A	Board member's knowledge and expertise is a benefit when making decisions. Although we are codified as an autonomous board, [state] has several checks and balances to ensure board actions and board rules do not violate anti-trust provisions, are not burdensome, comply with due process, and ensure consumer protection. The current deregulation trend is a challenge to this regulatory model.
A	Benefits: We operate our Board like a business. We are able to hire and retain through a performance-based model as opposed to models based on tenure or bureaucratic personnel policies. This allows us to be efficient and to control costs as we function within our budget that is based upon exam fees, licensing fees and renewals. We are not supported by tax revenue. We are nevertheless beneficiaries of independent oversight by a combination of the court system, the legislature and the independent rules review commission.
A	Benefits: One board of 9 members, 8 of which represent 5 professions (architecture, engineering, geology, land surveying, landscape architecture) regulate 7 different professions and occupations. The combined board provides support if one profession is challenged or up for deregulation. Challenges: The Board cannot adopt a 'model law' such as those provided by National Councils for the individual professions, because those models do not work for all 7 professions/occupations regulated in [state]
A	Benefits: less bureaucracy, resulting in regulation that is more responsive to industry changes and the needs of the public; board is more fully engaged with registrants and the public; greater transparency and accountability (e.g., all decisions are made in public meetings, budgets are presented to legislature each year for approval, etc.). Challenges: small staff can present administrative challenges; lack of "active state supervision" could lead to challenges--this has been addressed in our case by the use of an AG-appointed attorney and the creation of an Occupational Licensing Review Commission to review all rules.
A	Benefits: Fast, efficient, and effective processes. Challenges: Getting qualified board members and deregulation efforts
A	Benefits: An independent model allows us to provide personalized one-on-one support to our licensees, applicants, and members of the public who have questions or need to file a complaint. People who call the office speak directly with a person; there is no circular answering system that sends them to different departments, voicemail boxes, etc. This alleviates a lot of the frustration people often have when they contact a government agency and ensures they receive consistent answers. It also allows for much faster processing of applications and other inquiries because they are not filtered through other departments or agencies. Challenges: Our agency is self-funding via licensing fees and does not rely on any general funds for the state, which means we may have a smaller budget to work with than larger agencies.



A	Benefits - prompt customer service, social work oriented. Challenges - too much responsibility for a small staff particularly in meeting state purchasing requirements and state-imposed regulations and processes
A	Benefits include authority to carry out our statutory mission without being questioned as long as we stay in our lane. Challenges include laws can change without the Board's input and fee structures are set and changed only by statute
A	Benefits include ability to shift resources as needs arise, set targets for performance of each department so that priorities are addressed, and make all operational decisions to maximize staff resources. Challenges are limited but might include lack of adequate resources and support services.
A	Benefits are the ability to control spending and focus on the priorities of our board, as they determine what is most needed for public protection. The primary challenge is criticism of regulation and boards in general.
A	Benefits -- retain alacrity in making policy decisions following Board consideration/review with ability to fully implement them through the assistance of counsel. Ability to have staff focus its efforts on our operations, resulting in processing all license applications within 24-48 hours of receipt of required documentation. By maintaining independence and autonomy, we can devote staff resources to serving our customers, applicants, licensees and the general public on a personal basis through direct phone calls and walk-in service -- something which many umbrella boards and agencies simply are unable to provide. Challenges -- having our revenue keep pace with increased costs of mandated employer retirement contributions.
A	Being autonomous allows for the Board to provide detailed and expert needs of the profession. It also allows us to complete the tasks and needs in whichever way is needed by the licensing public. While there are issues regarding our small profession and sometimes limited ability, we are mostly able to address legislative and administrative needs quickly.
A	Autonomous agencies have more flexibility to address issues important to the health, safety, and welfare of the public regarding the professions they regulate without the additional baggage of a "one size fits all" type of issues which come from a large, centralized agency.
A	As what I would consider a 'medium sized' Board, we are able to maintain our independence and financial responsibility. The state is increasing pressure to change our regulatory model. Dealing with increasing case load regarding complaints is something that we are consistently addressing, but the state monitoring and increasing legislation to change the way Board's function in [state] is likely the biggest issue we deal with day to day.
B	The model in place allows the Board to focus on core licensure functions while relying on some business services from another State agency. This arrangement holds costs down.
B	The lack of efficiency we experience from procuring services through the agency. There really are no economies of scale that are meaningful. Even purchasing in bulk for IT items cost more. On the other end of the spectrum, a large agency has more political authority so there is an increased pressure that can be applied in certain situations. Overall, we pay 26% of our budget to an agency for indirect costs alone and rarely see any ROI.
B	The independence provides a nimble structure able to respond to demands. The Joint Operating Agreement provides clarity of decision making and responsibilities. The Joint



	Operating Agreement defines a mechanism for mediation in the case of disagreements between the Commission and the Department of Health.
B	The greatest benefit is that the consumer gets direct access to individuals who can actually assist them with industry specific issues and questions. Both consumer and licensee benefit from this.
B	The Board is large (21 members) and represents a number of disciplines (fire, EMS, medical transportation, and trauma).
B	The Benefit to having the Boards all in one central location is it facilitates communication amongst the Board and the sharing of resources. The drawback is the constant change in the central agencies staff and with that the lack of understanding the limits of their authority.
B	Investigating and enforcing the disciplinary statute...time consuming and expensive.
B	Have regulatory authority to establish minimum practice standards for our profession, but do not have complete independent authority to carry out our mission (have to obtain approval for travel, expenditures, etc.).
B	Challenges: taking position on legislation that could affect the bureau. We cannot take a public position.
B	Challenge to inform/educate the umbrella agency on exactly what the Board does and the need to protect the health and safety of the general public.
B	Benefits: Profession-specific regulation has deeper knowledge of the profession. Challenges: A small agency has less access to tools which may increase efficiency.
B	Benefits: One credentialing system that allows access to all boards data. Challenges: Small staff having to serve several boards and their constituents.
B	Benefits: Not subject to much political impact, Commission makes independent decisions, and Commission gives administrative operation authority to executive director. Challenges: Licensure computer system is tied to all 41 boards and commissions, so it is difficult to get a consensus when a change is needed or made. Cost to upgrade a large system supporting all 41 boards and commissions is astronomical; whereas, with systems for each board or commission would be much cheaper and easier to upgrade.
B	Benefits include, for example: (1) improved communication, (2) greater support opportunities, and (3) shared knowledge, experiences and resources. Challenges include, for example: (1) conflicting roles and responsibilities, (2) miscommunication, and (3) one-size-fits-all policies and procedures.
B	Benefits include separate funding. Our board is supported entirely by licensees, through licensure and renewal fees and penalties. No reliance on tax revenue. Small size keeps costs low and have been able to actually lower fees in recent years for licensees due to efficiencies. Benefits also include ability to employ investigators and attorneys with expertise in our specific jurisdiction (physicians and certain other medical professionals).
B	Benefits - Full buy-in from occupational practitioners for decisions that affect their profession. Challenges - Difficulty implementing substantive changes for licensing reform without any decision-making authority in board matters.
B	Benefit is the sharing of resources, which in the end saves money.
B	Being semi-autonomous means you sometimes have the freedom to do things without too much state interference while also having access to state resources. Other times, it means being restrained by state bureaucracy while not having enough access to state resources.



C	The [state] Legislature appropriates funds to the agency. The agency allocates the budget for the board's operations. Under certain statutory guidelines, the board may raise or lower its fees. However, all fees go to the [state] Legislature's "general fund." The board has no direct control of whether operations are over or under budget and little influence to correct under staffing.
C	The regulatory model has some challenges to fully comply with the North Carolina case and the direction there; however as an umbrella agency there are many benefits, including consistency and streamlining for complaints and applications to ensure similar service, similar analysis of risk to protect the public, as well as streamlined and consistency in rulemaking and other functions. The agency also provides an expectation of streamlining pathways with the boards who generally support this philosophy. As an umbrella agency, there are also cost savings in administration.
C	The people making the direct decisions about licensing are professionals and know their own industries.
C	The Department of Safety and Professional Services provides board members with guidance and recommendations, but the board members have decision-making capabilities.
C	The Boards maintain regulatory authority to protect the public and they keep their costs down by sharing expenses with other Boards. The Boards also all have the benefit of a trained, highly professional staff. In addition, the Bureau operates under one fund, so if a Board had a big regulatory case and went into the red, it can still maintain operations until it can go to the Legislature for a fee increase.
C	The biggest challenge is making sure both entities (Boards and Agency) stay in their own lanes and within their own authority.
C	The benefit of the model is that funding is provided through State funds. The challenge is also the exact same as public funding means we are only given what is available.
C	Statutes for the 32 boards are not always consistent with the overarching department statutes since they were all written at different times. Boards, including this one, do not always understand the difference between public protection and can trend toward trying to protect the licensees' interests.
C	Staff are employees of the [State] Dept. of Insurance reporting to the Commissioner of Insurance, statewide elected official. Benefits are economies of scale of State Gov't for administrative and overhead, retirement, etc. - personnel, accounting, budget, space management, information management, etc. Challenges include state pay and classification system and legislative interests may not coincide.
C	Small staff.
C	Relying on State Government for rule making function
C	One State budget account with 37 sub-accounts into which dedicated revenue is deposited. Provides flexibility for less financially secure licensing programs. More standardization and oversight of state records, financial management, human resource functions, etc.
C	Keeping the Boards'/Commissions' discussions within the boundaries of their respective authority.
C	In the past, there has been some difficulty sending board members to particular conferences due to ruling over budget.



C	Having investigations, advice, disciplinary, HR, finance as a part of our agency is a definite plus. We have been an umbrella agency since I started, so I am not familiar with stand-alone.
C	Have to share staff and agency does have the ability to challenge decisions made by the board
C	Given that we are dependent on an "agency" to provide personnel, investigate, etc., things aren't acted upon as quickly as needed.
C	Consistency and management of multiple versions of processes
C	Challenges: Given that the Board is administratively attached to a main agency, the Board is dependent on that agency for investigations, prosecution, etc. The Board does not have its own enforcement arm; thus, the Board must constantly wait for the agency's enforcement division to take appropriate or immediate action against a licensee.
C	Challenges - coordination between agencies. Benefits - better customer service to Board's constituents, and better level of service to Board Members
C	Budget assistance, board may focus on other matters. With other boards under one umbrella, convenient to tap other boards for information regarding specific issues.
C	Benefits: Consolidation of resources and responsibilities, coordination and cooperation among regulatory boards, general oversight for rulemaking
C	Benefits of shared administrative costs with other boards within the agency. Challenges are "one size does not fit all" in standardizing processes.
C	Benefits - Shared expenses reducing cost to licensees. Several directors able to communicate to deal with issues and create best practices. Board still has all final decision-making authority with the exception of staff.
C	Benefits - Expertise is represented on Board by members from various fields. Challenges - Subject to approval of regulatory changes recommended by Board.
C	All five of our boards are relatively small, so combining agency staff to support all of them provides for a more robust support in all aspects of board business.
C	Ability to enforce and regulate the various agencies regulated by our department
C	A major challenge using that model is personnel and the inability to hire additional merit employees for new positions since it is difficult maintaining contractual employees.
C	A benefit of being administratively attached to a central agency includes, but is not limited to, support of the judiciary when presenting appropriation requests to the legislature. Challenges include additional programs and responsibilities from legislation passed. An example would be guardianship programs and pilot projects established in the 2017 and 2019 legislative sessions administered by OCA/JBCC.
C	1. We do not have an exclusive executive director, so that individual is spread across all Boards, which leads to bare bones services compared to states with a dedicated executive director. 2. Sharing of investigators, the investigators lack the knowledge to effectively carry out inspections. 3. We are only allowed to do inspections based upon a complaint... no prospective investigations... limits our ability to ensure compliance and protection of the public. 4. Virtually zero resources dedicated to outreach to help the profession comply with this minimum standard. 5. No dedicated legal counsel, all rules drafted by a paralegal who is also shared across all other boards.
D	With a central agency, ie. State legislature making laws that the board must adhere to and then the board promulgates rules to carry out the requirements and standards set for by the laws.



D	We regulate the electrical licensing of individuals and companies working in [state]. This helps assure that safety standards are adhered to. Our agency is primarily concerned with the safety and protection of the general population. We issue and inspect permits for installations to verify that they meet minimum safety standards.
D	Updating and passing regulations.
D	The Legislature needs to enact statutes enabling board to enforce the unlicensed practice of veterinary medicine. The board needs stronger authority to better police non-veterinarians providing veterinary medicine services to include the unlicensed use of controlled substances.
D	The benefit is that the agency provides appropriate oversight so that the boards do not run afoul of the NC dental decision. The challenge is that boards sometimes have difficulty understanding that they are not autonomous.
D	Consistency with other units is the greatest benefit.
D	Changes in leadership and rules
D	As an umbrella agency, [we are] able to direct policy (regarding occupational regulation and enforcement) across the entire State. We do not need board approval, although board buy-in and support is always helpful.
E	We serve at the pleasure of the Governor. While most decisions are determined by the agency, they are subject to the political sway of the Governor and to the Legislature.
E	We are a state agency that identifies and disciplines EMS practitioners and EMS providers (agencies) that are not functioning within the statutory mandates.
E	[State] Administrative Code - EMS Regulations - affords the Office of EMS autonomy and guaranteed adequate funding to provide services and enforce compliance for a statewide EMS system.
E	Pros: efficiency, shared resources, accountability to elected officials, loyalty to public before loyalty to industry, license processing expertise. Cons: professional expertise, access to resources determined by autonomous board, staffing levels
E	Benefits - consistent decision making, input from statewide EMS committee is sought on complex cases. Challenges - lack of ethical framework and scoring system for cases
Other:	<i>(Autonomous/independent responsible for housekeeping, admin, licensing, budget, personnel, investigation and discipline but we work by contract with a central agency and our funding comes from a line item in the general budget. We were established by a statute in 1998. Services to the board are provided by employees of a 501(c)(3), non-profit corporation.)</i> Benefits are that we only deal with engineers and the statutes and rules governing engineering. Makes it easy to assist licensees and perform work. Challenges are dealing with an agency by contract that try to frustrate our business model.
Other:	<i>(Central agency with common administrative/budget/investigative functions, 21 boards with governance authority for practice and discipline, 22 programs where director holds that authority.)</i> Primary benefit is streamlining the process and redundancy of staff. Challenge is helping boards understand our role and providing "just in time" training for them all.
Other:	<i>(The Division contains numerous autonomous boards but some offices for which the Division is the decision-making authority. Additionally, the Division has a central agency responsible for administrative functions, legal support, budget, human resources, travel and investigations.)</i>



	The model allows both the boards and the Division to work extremely efficiently and effectively. Additionally, central division counsel allows all boards to be fairly consistent in application of laws that impact all the boards.
<i>Other:</i>	<i>([State] has Boards and Commissions which are semi-autonomous; and professions under the disciplinary authority of the Secretary of Health)</i> Benefits: good governance of health professions. Challenge: ensuring uniform patient safety and policies

*** Has the organization on whose behalf you are responding recently considered making changes or made changes to transition from one model to another? Please describe the changes considered or made.**

Proposed legislation that failed twice to organize boards under the Department of Professional Licensing, assigning them to various "authority" groupings, and having influence in their decision-making processes in regard to statutory/regulatory changes they wished to see implemented.
It has been suggested through the Governor's executive branch audit committee to have oversight of all occupational boards. This would be done through the Department of Business and Industry.
In January 2018, the Board went through a statutory change involving board consolidation, in which the regulatory boards for speech-language pathology, audiology, and hearing aid dealing and fitting were abolished, and consolidated into the current board.
The 86th [State] Legislature passed House Bill 1501, creating the [State] Behavioral Health Executive Council (BHEC) and transferring the regulation of psychologists, marriage and family therapists, professional counselors, and social workers to the [State] BHEC, effective 9/1/2019 with transfer to be complete by 9/1/2020. The Executive Council will have oversight and rulemaking authority limited to acceptance or rejection while the boards may recommend rules but will no longer be able to adopt rules on their own. The Executive Council consists of a chair and two representatives from each board.
The state legislature discusses consolidating boards.
Moved from an umbrella organization with a central agency to act more independently.
In 2013, the State Legislature made permanent changes initiated in a 5-year pilot project. The pilot project gave the Nursing Commission more authority over its personnel, budget and performance. Performance measures were adopted comparing performance prior to the pilot project and with other boards/commissions. The legislature recognized the improvements and solidified the increase in performance with permanent authority over these functions.
Going fully autonomous and increasingly separate. We studied one aspect, public disclosure, and estimate our savings after adding staff would be at least \$300,000/biennium.

*** What was the impetus for considering or making the change (for example, efficiency, cost-savings, anticompetitive protections)?**

Efficiency, free-market support, job creation, etc.
Per the Executive Branch Audit Report, the rationale for oversight was due to some of our Sunset Committee's recommendations that some occupational boards needed oversight. The reasons were



many including, but not limited to, small board staff leading to a need for oversight, lack of education and experience on the part of boards, and mismanagement by some boards.
The Executive Branch Audit Committee (Governor of Nevada) recommendation includes: efficiency, cost-savings, anti-competitive protections, and compliance issues.
The impetus was the North Carolina Dental Board case and anti-trust concerns, along with efficiencies and cost-savings.
The change was recommended by the [State] Sunset Advisory Commission "to reform unnecessarily bureaucratic and inefficient licensing and enforcement processes" and gain "efficiency in regulating these professions... [including] ability to right their operations and respond to the ongoing backlog of licensing applications and enforcement complaints."
Political agenda
1) Cost savings 2) Better customer service
Necessary improvements to disciplinary actions: time and cost.
Efficiency and cost-savings.

*** What advice or caveats would you offer to other organizations considering a transition to a different regulatory model?**

Ensure that you have buy-in from necessary parties early and engage in proactive communications and PR campaigns to dispel myths from opponents to the change.
Always be prepared to explain and demonstrate your organization's mission of consumer protection, and how that is carried out with your licensure requirements, e.g., educational requirements, board actions, continuing education, collaboration with stakeholder groups and interested parties, etc.
A longer timeframe for implementation. We have 1 year to launch a new agency and transfer operations to that new agency.
Database management is the biggest challenge.
Have a clear focus on performance and public protection. Document changes and improvements.
Recognize the increased responsibility and risk being more independent brings with respect to fiduciary duties to your board officers and executive staff.



Appendix 4. Data Presented by Jurisdiction

Jurisdiction	Number of models in use	Decision-making authority model	Operational authority model
AL	2 (A, D)	Mixed	Mixed
AK	2 (B, Other)	Autonomous	Centralized
AZ	2 (A, B)	Autonomous	Mixed
AR	1 (B)	Autonomous	Centralized
CA	3 (B, C, D)	Mixed	Centralized
CO	1 (C)	Autonomous	Centralized
CT	3 (C, D, E)	Mixed	Centralized
DE	1 (C)	Autonomous	Centralized
DC	1 (A)	Autonomous	Autonomous
FL	3 (C, D, Other)	Mixed	Centralized
HI	1 (C)	Autonomous	Centralized
ID	2 (C, Other)	Autonomous	Centralized
IL	1 (E)	Centralized	Centralized
IN	1 (C)	Autonomous	Centralized
IA	1 (B)	Autonomous	Centralized
KS	1 (A)	Autonomous	Autonomous
KY	4 (A, B, C, D)	Mixed	Mixed
LA	4 (A, B, C, E)	Mixed	Mixed
ME	1 (C)	Autonomous	Centralized
MD	3 (A, C, D)	Mixed	Mixed
MI	1 (E)	Centralized	Centralized
MN	2 (A, E)	Mixed	Mixed
MS	2 (A, E)	Mixed	Mixed
MO	2 (B, Other)	Mixed	Centralized
MT	1 (C)	Autonomous	Centralized
NE	2 (A, D)	Mixed	Mixed
NV	1 (A)	Autonomous	Autonomous
NH	3 (B, C, D)	Autonomous	Centralized
NJ	2 (A, D)	Mixed	Mixed
NM	2 (C, D)	Mixed	Centralized
NC	2 (A, C)	Autonomous	Mixed



ND	1 (A)	Autonomous	Autonomous
OH	3 (A, B, C)	Autonomous	Mixed
OK	1 (A)	Autonomous	Autonomous
OR	1 (A)	Autonomous	Autonomous
SC	1 (C)	Autonomous	Centralized
SD	1 (B)	Autonomous	Centralized
TN	2 (B, C)	Autonomous	Centralized
TX	3 (A, B, C)	Autonomous	Mixed
UT	1 (E)	Centralized	Centralized
VT	1 (D)	Centralized	Centralized
VA	2 (C, E)	Autonomous	Centralized
WA	4 (B, C, D, Other)	Mixed	Centralized
WV	2 (A, C)	Autonomous	Mixed
WI	2 (C, D)	Mixed	Centralized
WY	5 (A, B, C, D, E)	Mixed	Mixed