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Georgia State Senate
Office of Policy and Legislative Analysis

**FINAL REPORT OF THE SENATE OCCUPATIONAL
LICENSING STUDY COMMITTEE (SR 85)**

Committee Members

Senator Larry Walker, III, Chairman
District 20

Senator Sonya Halpern
District 39

Senator Jason Anavitarte
District 31

Senator Brian Strickland
District 17

Senator Mike Dugan
District 30

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STUDY COMMITTEE CREATION, FOCUS, AND DUTIES

The Senate Occupational Licensing Study Committee was created by Senate Resolution 85 during the 2023 Legislative Session of the Georgia General Assembly.¹ The Georgia General Assembly strives to foster a robust workforce and thriving business environment, onerous occupational licensing requirements can inhibit economic mobility, limit job prospects, and hinder small businesses. Research has shown that Georgia has some of the country's most burdensome occupational licensing laws. The Study Committee was tasked with examining current occupational licensing laws and requirements to determine if they should be modified or restructured so as to encourage, promote, and foster employment and healthy business growth in Georgia. Additionally, the Committee was tasked with reviewing how other states have responsibly reformed occupational licensing to streamline the process, reduce barriers to work, and eliminate unnecessary rules and regulations to determine if Georgia could benefit from similar reforms.

Senator Larry Walker of the 20th served as Chairman of the Study Committee. The other Senate members were Senator Sonya Halpern of the 39th, Senator Jason Anavitarte of the 31st, Senator Brian Strickland of the 17^h, and Senator Mike Dugan of the 30th.

The following legislative staff members were assigned to the Study Committee: Emily Leonard, Senate Press Office; Mary Atkins, Senate Office of Policy and Legislative Analysis; Kylynn Gallagher and McKenzie Rhoades, Office of Chairman Larry Walker; and Sarah Crittenden, Office of Legislative Counsel.

¹ S.R. 85, 157th Gen. Assemb. Reg. Sess. (Ga. 2023), <https://www.legis.ga.gov/legislation/63954>.

SUMMARY OF TESTIMONY AND DISCUSSION

Meeting One – August 10, 2023 (Office of the Secretary of State)

The first meeting of the Study Committee was held on August 10, 2023 at the Licensing Division of the Secretary of State's Office located in Macon. The following Study Committee members were present: Chairman Larry Walker, Senator Brian Strickland, and Senator Mike Dugan. Senator Jason Anavitarte was virtually present.

Georgia's Workforce Needs

Ms. Daniela Perry, Vice President of the Georgia Chamber Foundation, gave a presentation on Georgia's workforce needs. Ms. Perry began her presentation by explaining that Georgia has experienced tremendous economic growth over the last four years, 77 percent of this economic growth has occurred outside of Metropolitan Atlanta. The Chamber Foundation has been tracking unique job postings since 2020. The top occupations advertised in the most recent quarter were: registered nurse, retail salesperson, and software developers. There are almost twice as many posted jobs as unemployed Georgians. Ms. Perry emphasized the importance of labor force participation rates. At the time of her presentation, the labor force participation rate was around 61.3 percent, meaning that approximately 40 percent of Georgians of working age were not engaged in the workforce. Ms. Perry discussed the registered nurse shortage stating that currently there are 3,000 employers trying to hire registered nurses in Georgia. Other occupations with shortages include: tractor trailer truck drivers, certified nursing assistants, pharmacists, accountants, and childcare workers. Projected job growth will outpace population growth over the next decade.

Ms. Perry stated that the Georgia Chamber has looked at numerous opportunities to improve occupational licensing. Possible solutions to decrease barriers include: reevaluating the impact of employee criminal history, portability of licenses for military spouses, and providing more opportunities for legal immigrants. Ms. Perry again emphasized the healthcare worker shortage. Chairman Walker asked what percentage of current job postings require a license and if Georgia is an anomaly or on par with the national average in relation to the labor force participation rate. Ms. Perry stated that Georgia is about average. Chairman Walker further emphasized the gap between projected population increase and projected labor needs, stating that a large deficit of workers will require Georgia to seriously reevaluate its current licensing regime. Senator Strickland discussed Senate Bill 157 and the impact of a criminal record on licensure. Senator Dugan emphasized that the Study Committee needs more context in relation to labor participation rates statistics. The Study Committee members discussed the commercial truck driver shortage.

Trends in Opening Up Licensure for Servicemembers and Spouses

Ms. Sarah Crittenden, Assistant Legislative Counsel with the Office of Legislative Counsel, gave a presentation on the licensing of military members and their spouses. Ms. Crittenden began by discussing the *Servicemembers Civil Relief Act* (SCRA). The SCRA is a federal law designed to help servicemembers with the transition to active duty. In this context, the SCRA protects servicemembers from: foreclosure, repossession, leasing agreement evictions, interest rates, and default judgments. In 2023 the SCRA was amended to address the portability of certain professional licenses, allowing servicemembers and their spouses to use their professional licenses and certifications when they relocate due to military orders. The servicemember or spouse must provide a copy of military orders to the licensing authority in their new jurisdiction; remain in good standing with the issuing licensing authority and every other licensing authority who has issued the licensee a license related to a similar scope of practice or discipline; and submit to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements. However, there is a statutory exception for interstate licensure compacts. Only certain professional licenses are covered by the Act. The license or certificate must be in good standing with its issuing authority, must have been actively used during the two years immediately preceding the servicemember or spouse's relocation, and cannot be a license to practice law.

Next, Ms. Crittenden discussed *Portee v. Morath*. This Fifth Circuit case addresses the application and scope of the licensure portability provision of the SCRA. The court granted the plaintiff's motion for preliminary injunction, finding that the plaintiff, a military spouse, met the preliminary injunction standard in her case alleging that a state licensing agency failed to recognize her out-of-state school counselor license as required by the SCRA. The Department of Justice entered a statement of interest on behalf of the plaintiff stating that vigorous enforcement of the SCRA serves the public's exceptionally strong interest in national defense and military readiness. Chairman Walker asked what the implications of this case were for the Georgia General Assembly. Ms. Crittenden responded, saying that the prudent path forward is for state licensing agencies to really take a look at their requirements and to be compliant with federal law. Senator Walker asked about timelines. Ms. Wanda Jaffe from the Secretary of State's Office addressed the process for military expedited licensure with the Study Committee, stating that most applications are viewed within three days.

Ms. Crittenden continued her presentation by addressing interstate licensure compacts. There are about fifteen available licensure compacts, Georgia has signed on to eight. Most of the licensure compacts are located in O.C.G.A. Title 43. The point of these compacts is to ease the licensing process while providing safeguards. Ms. Crittenden gave a thorough overview of Title 43 and also provided the Committee with examples of licenses outside the purview of Title 43. She discussed *Jackson v. Raffensperger* which addressed the constitutionality of the Georgia Lactation Consultant Practice Act. In this case, the Georgia Supreme Court concluded that the Act was unconstitutional on Due Process grounds. The Georgia Supreme Court has long recognized that the Georgia Constitution's Due Process Clause entitles Georgians to pursue a lawful occupation of their choosing free from unreasonable government interference.

Structure, Duties, and Operation of Licensing Boards

Mr. Gabriel Sterling, the Chief Operating Officer of the Secretary of State's Office, gave a presentation on the structure, duties, and operation of state licensing boards. Mr. Sterling stated that licensing fees generate approximately 25 million dollars per year and that the budget for professional licensing boards is approximately eight million dollars per year. The license fees go to the general fund. Mr. Sterling stated that joint boards save the taxpayers money. Mr. Sterling began by discussing the roll out of a new software system for licensing. Next he discussed the Office's desire to remove the subjective criteria that boards are currently required to evaluate. Chairman Walker asked if the new software system required all applications to be completed online and if such a requirement would speed up the licensing process. Mr. Gabriel stated that the intention is to incentivize virtual applications through fees. Chairman Walker also asked about delays due to lengthy criminal background checks. Mr. Gabriel explained that the vendor is the cause of the delay in fingerprint processing and that the vendor is selected by the Georgia Bureau of Investigation. Mr. Sterling concluded by emphasizing that the Office has a very hardworking staff in its intake and call centers. He stated that if the Office could hire more staff it could process applications faster. Mr. Sterling emphasized that labor shortages require Georgia to be competitive in regards to licensing. An easier and more efficient the licensing process would help reduce the labor shortage.

Meeting Two – September 27, 2023 (State Capitol)

The second meeting of the Study Committee was held on September 27, 2023 at the State Capitol. The following Study Committee members were present: Chairman Larry Walker and Senator Mike Dugan. The following Study Committee members were virtually present: Senator Brian Strickland and Senator Jason Anavitarte.

How to Better Regulate Occupational Licensing

Mr. Mark Hyden, the Director of State Government Affairs for the R Street Institute, gave a presentation on how to better regulate occupational licensing. Mr. Hyden began by stating that Georgia has the country's twelfth most burdensome occupational licensing laws for lower income

professions. To date, there are over 40 licensing boards housed under the Georgia Secretary of State. The state licenses over 140 professions. Georgia's mandates for lower-income professions require, on average, 197 dollars in fees, 472 days of education and experience, and approximately two exams. Mr. Hyden continued by stating that supporters of increased licensing regulation often justify it as necessary to protect consumers from unqualified and unscrupulous workers. However, these laws risk inflicting serious harm on underprivileged individuals as well as the broader economy despite many alternatives to licensing existing like: mandatory inspections, mandatory insurance, and bonding.

Licensing burdens have proliferated. In 1950, only around five percent of American workers needed a license to work, now that number is closer to 30 percent. Research has shown that the impediments created by licensing regulations may result in nearly three million fewer jobs in the United States. Licensing drives up consumer costs by between three and sixteen percent, the total increased cost to consumers annually may be north of 200 billion dollars. Mr. Hyden asserted that most empirical evidence does not find that stricter licensing requirements improve quality, public safety, or health. In Georgia, even after submitting a complete satisfactory application, an applicant can wait months for government approval which leaves them unemployed or underemployed.

The challenges posed by occupational licensing in Georgia have not been lost on lawmakers over the past several years, legislators have worked to improve the system in many ways. In 2019, Senate Bill 214 forbade licensing boards from suspending individuals' licenses because they fell behind on student loans. In 2020, House Bill 914 created an expedited process to extend licensure by endorsement to military spouses with out-of-state licenses. In 2021, Senate Bill 27 increased the time that veterans have to qualify for a license based on their military expertise. In 2023, House Bill 155 directed licensing boards to offer licensure by endorsement to qualifying individuals, including non-military spouses, who hold an out-of-state license in good standing and relocate to Georgia.

In order for the government apparatus supporting licensing regimes and the professional licensing board division to be customer service oriented, provide timely service, and more effectively serve Georgians, some reforms are needed to provide capacity. Many professions have pursued measures to be released from the PLBD. Mr. Hyden stated that the PLBD has been grossly underfunded. If the PLBD's funding steadily increased with state population growth and inflation, then it would receive almost nineteen million dollars today, currently it receives less than nine million dollars per year.

Next, Mr. Hyden outlined some possible solutions. Current policies can create uncertainty, backlogs, and long wait times for applicants to be approved to work and have complaints settled. Some licensing boards do not meet regularly as Georgia law permits many boards to meet as little as once per year. Other states have enacted "shot clocks" which require the issuance or rejection of most applications within 30 days to alleviate these timing issues. Mr. Hyden urged the Committee to revisit licensure by endorsement, stating that many cannot enjoy licensure by endorsement due to the residency requirement. The residency requirement prevents those in bordering states, temporary workers, and especially emergency workers from benefiting from licensure by endorsement. By eliminating the residency requirement, Georgia could more easily fill workforce gaps. Finally, Mr. Hyden discussed the "substantially similar" standard. Chairman Walker discussed the concept of dedicated fees. Chairman Walker asked if licensing boards are allowed to meet virtually. Mr. Hyden stated that the open meetings laws permit the boards to meet virtually. Chairman Walker also asked if a 30 day shot clock was realistic. Mr. Hyden stated that the 30 day shot clock is working in other states which means that it could probably be replicated in Georgia.

Exploring Georgia Occupational Licensing Employment Barriers

Mr. Austen Bannan, Employment Policy Fellow with Americans for Prosperity, gave a presentation on occupational licensing employment barriers. Mr. Bannan began by stating that approximately one in four American workers is required to have an occupational license. He stated that it is not just the fees that the Committee should keep in mind, but that many times workers are paying tens of

thousands of dollars to obtain required education and training, therefore any progress that can be made to lessen the financial burden on workers can make a significant difference. Recent research ranked Georgia 32nd in licensing burdens. There are 174 different barriers in Georgia for particular professions. The difference between Georgia having 142 licensing requirements licensing requirements and then 174 barriers is the fact that certain types of professional activities can be covered in a broader occupational license.

Research indicates that licensing mandates have neutral or even negative impacts on public health and safety. Research also shows that in more onerously licensed states entrepreneurship rates are lower among low-income residents, recidivism rates are higher for ex-offenders, and increased crime rates occur due to decreased employment opportunities. Economic impacts of licensing burdens include: approximately three million fewer jobs annually, as much as 200 billion dollars in misallocated resources, and ten to fifteen percent higher costs for consumers. In a study looking at 102 select occupations, each state was found to enact between fifteen and 59 new licensing laws from 1993-2012. In Georgia, 23 were added. The rise of these licensing laws reduced absolute upward mobility between 1.6 to 6.2 percent at the county level across all states. Licensing is the most onerous means of regulation. Mr. Bannan listed less restrictive means of regulation from least to most restrictive: market competition and private litigation; deceptive trade practice acts and other targeted consumer protections; inspections; bonding or insurance; registration; certification; and finally licensure. Next, Mr. Bannan discussed universal recognition. Universal recognition states avoid subjecting workers with licenses and professional experience in other states or the military to strict litmus tests where credentials must mirror the exact government licensing requirements of the state. Instead of requiring "substantially equivalent" requirements, strong UR laws focus on scope of practice and allow for all government licenses, certification, and private credentials and experience, in some instances, to be sufficient substitute for a license. UR laws are superior to licensing compacts, which can lead to out-migration of professionals, block states from unilaterally reducing red tape on professions, and the ceding of power to multi-state regulatory boards. Georgia now has licensure by endorsement which is similar to, but also differs from, full universal recognition. Mr. Bannan concluded by providing the committee with several ideas for licensing reforms, specifically focusing on criminal justice reform as it relates to occupational licensing. Mr. Bannan suggested removing "good moral character," "moral turpitude," and other legal barriers that bar those with criminal records from pursuing government licenses. Chairman Walker asked for a list of licenses that Georgia has that other states do not have. Chairman Walker discussed the importance of passing Senate Bill 157.

Solving Georgia's Mental Health Workforce Crisis

Dr. Pierluigi Mancini, the President and Chief Executive Officer of Multicultural Development Institute, Inc., gave a presentation on solving the mental health workforce crisis. Dr. Mancini began by stating that all Georgians should have the opportunity to access the services needed for them to live the best life that they can live, but that currently the state is falling short. Dr. Mancini explained that Georgia is one of the most diverse states in the nation and that the population keeps growing larger and more diverse each year. In the last 20 years, the state's foreign born population has grown by almost 90 percent. Dr. Mancini explained the importance of the availability of clinicians who speak the same language as their patients. According to the State Office of Rural Health, 150 out of 159 counties in Georgia are considered mental health professionals shortage areas. 90 counties have no psychiatrists. By 2025, it is estimated that the United States will be short approximately 31,000 full-time equivalent mental health and substance use disorder practitioners.

Dr. Mancini discussed the difficulties foreign educated clinicians face. He listed the following as barriers to recruitment for foreign trained professionals: limited recognition of professional experiences and credentials earned abroad, costly and time consuming licensing processes, lack of uniformity in the recognition of education, differing internships and supervision requirements, and limited English proficiency. He listed the following as barriers to recruitment for domestically trained professionals: lack of automatic reciprocity if license was awarded by another state, the cost of

returning to school to complete additional educational requirements, and the cost and time to complete training requirements. Dr. Mancini concluded by providing the Committee with the following ideas: consider adding "U.S. territories" to HB 520, adopt credential and competency verification, and create a supervised two year temporary license for foreign born individuals to work as clinicians in Georgia. Senator Dugan discussed the fact that clinicians tend not to gravitate towards rural areas. Dr. Mancini discussed possible incentives for foreign trained clinicians to move to underserved rural areas. Chairman Walker noted the presence of the Georgia Composite Medical Board, stating that they are working with the Committee to address the healthcare workforce shortage. Chairman Walker asked if there is a more common, internationally recognized accreditation that the state could recognize. Dr. Mancini stated that to his knowledge there is not.

Strengthening Georgia's Medical Workforce

Ms. Darlene Lynch, the Head of External Relations for the Center for Victims of Torture, gave a presentation on pathways to re-licensure for foreign trained physicians. Ms. Lynch began by explaining the current and unprecedented health professional shortages, stating that the United States is projected to have a shortage of up to 124,000 physicians by 2033. Most of Georgia is medically underserved. 33 percent of Georgia's foreign born population has a college or graduate degree. Ms. Lynch stated that Georgia has one of the largest, most successful refugee programs in the country and that refugees are an untapped source of talent in relation to the healthcare worker shortage.

Today, nearly one in five Georgia doctors is foreign born. Georgians rely heavily on foreign born doctors, especially in rural areas. For every foreign born doctor that is able to overcome barriers, many more cannot. Barriers to practice for international medical graduates (IMGs) include: few professional English learning options, lack of recognition of international experience and credentials, and costly and time consuming processes. In Georgia, IMGs must show proof of medical degree from an approved medical school, take all United States medical exams, and complete one to three years of training/residency in an approved post-graduate program. Only a few post-graduate programs have been approved outside of the United States and Canada.

International graduates have much lower residency match rates and many already have years of post-graduate training and practice abroad. The creation of alternatives to an American residency would open up residency spots for others and address workforce shortages. There is a race among states to attract foreign medical talent. Most recently, Alabama reduced its IMG residency requirement. One possible solution is an associate physician program. Other possible solutions include: navigation assistance for foreign trained doctors, loans and subsidies for reentry expenses, and private-public commissions for the development of new state licensure pathways. Ms. Lynch provided the following recommendations for Georgia: establish an assistant physician program, reduce the residency requirements for IMGs, establish an IMG welcome center, incentivize a physician readiness program, and fund loans/subsidies for retesting and relicensing expenses. Chairman Walker asked about the assistant physician program. Ms. Lynch stated that these individuals do not have a full license, but a provisional license and must be supervised.

Licensing Barriers for Foreign-Trained Behavioral Health Professionals

Polly McKinney and Lesley Kelley with Voices for Georgia's Children and Belisa Urbina with Ser Familia gave a presentation on licensing barriers for foreign trained behavioral health professionals. The presenters began by discussing demographic data and the severity of the mental health workforce shortage. Georgia's Hispanic communities saw an increased need for behavioral healthcare during the pandemic, especially for providers who are culturally and linguistically competent. Georgia's Hispanic population is rapidly increasing while barriers to licensure prevent the expansion of an already limited Hispanic behavioral health workforce.

The number of licensed clinicians in Georgia who are culturally and linguistically proficient to serve the Hispanic community is estimated to be between 100 and 125. That is one clinician per one million

residents. Georgia requires more supervised hours than any other state in the southeast for professional counseling licensure. Supervision requirements can be a barrier to licensure for graduates with less familial financial support. Several states have enacted policies to ease licensing barriers for foreign trained healthcare professionals. Colorado, Massachusetts, and Missouri allow for temporary licensure while working to complete full licensure. Vermont, Minnesota, and Utah offer defined pathways for foreign trained healthcare professionals. Minnesota, Massachusetts, and Vermont established task forces to explore solutions for all healthcare professions.

Voices for Georgia's Children offered the Committee following recommendations to help reduce licensing barriers for foreign trained physicians: create a subcommittee of the Healthcare Workforce Commission to identify ways to integrate foreign trained health professionals into Georgia's healthcare workforce; create a specific licensure pathway for foreign trained health professionals who are licensed in other countries, including the use of credential evaluation services to accredit foreign education and supervised experience; and allow the issuance of temporary licenses while foreign trained health professionals work on meeting full licensure requirements. Ser Familia asked the Committee to create funding opportunities to help reduce licensing barriers for culturally and linguistically diverse, American trained professionals. These funding opportunities should allow nonprofits to provide supervised hours at no cost to culturally and linguistically diverse graduates working towards licensing and assist with costs associated with relocation and licensing for culturally and linguistically diverse healthcare workers.

Landscape Architecture in Georgia

Mr. Jay Gehler and Ms. Sarah Boyer with Georgia's Chapter of the American Society of Landscape Architects, gave a presentation on landscape architecture licensing in Georgia. The presenters began by explaining the role of landscape architects. All 50 states regulate landscape architecture by requiring licenses. The presenters discussed draft licensure language from the ASLA and how this draft language would help to streamline reciprocity. Currently, the licensure process in Georgia still consists of a paper application that must be submitted to the Secretary of State's Office. Mr. Gehler noted that it is difficult to communicate with the Secretary of State's Office. Chairman Walker asked about the previously discussed workforce shortage. Mr. Gehler stated that the firm he works for had to recruit out of state workers.

Meeting Three – October 31, 2023 (State Capitol)

The third meeting of the Study Committee was held on October 31, 2023 at the State Capitol. The following Study Committee members were present: Chairman Larry Walker, Senator Sonya Halpern, and Senator Jason Anavitate.

Military, Medic, and Corpsmen (MMAC) Program

Ms. Shea Ross-Smith and Mr. Jamaal Lofton with Kaiser Permanente Georgia gave a presentation on the MMAC Program. The presenters began by explaining Virginia's enabling legislation. Virginia's MMAC program's mission is to offer career and credentialing pathways for veterans and military spouses seeking employment in the state's healthcare system. This program is in addition to expedited licensure. There are three employment pathways in the Virginia program: (1) "MMAC qualified" is aimed at veterans, transitioning combat medics, corpsmen, or medical technicians with less than a twelve month gap in clinical care practice, allowing them to continue to practice clinical skills without required civilian healthcare credentials, while they work to obtain those credentials; (2) "No veteran left behind" transitions nonclinical retired military into nonclinical healthcare positions; and (3) "Healthcare leadership" is aimed at experienced leaders with clinical operations, management experience, or individuals with advanced degrees.

In Virginia, the MMAC program requires individuals to be an honorably/generally discharged medic, corpsmen, or medical technician. Scope of practice skills must have been performed within twelve

months to apply to the program. The legislation allows military medics, corpsmen, and medical technicians to utilize general scope of practice skills without civilian credentials. If an individual files outside the twelve month window, that individual is eligible for the no veteran left behind program which focuses on nonclinical roles. A healthcare leadership path exists for honorably/generally discharged military members after command. From February 2017 to April 2023, Virginia hired 564 veterans through this program.

Georgia Nursing Leadership Coalition (GNLC)

Ms. Robin Pingeton and Ms. Elizabeth Harrison with the Georgia Nursing Leadership Coalition gave a presentation on their organization. The GNLC unified taskforce has two objectives. The first is to jointly identify and analyze issues impacting nursing workforce challenges in Georgia, including licensing barriers and challenges. The second is to collaborate for the purpose of preparing presentations and testimony for the GA WORKS Licensing Commission and other pertinent study committees. Despite the well-known shortage in Georgia and across the country, nursing remains one of the largest workforces in the state. As of October 30, 2023, there were 171,982 active nursing licenses in Georgia. Licensure renewal of all 169,635 practitioners in Georgia over a two year period amounts to an 11.87 million dollar contribution to the state budget. Board of Nursing Licensure Analysts are expected to process, on average, fifteen new nursing licensure applications per day. The current timeline for new application approval is fifteen to twenty business days barring any application deficiencies or need to submit further documentation. The license renewal process is automatic upon completion, barring any circumstances that require further staff/board information.

The presenters offered the following recommendations. At a time when Georgia is struggling to respond to the demand for licensed registered nurses across all areas of practice, significant consideration should be given to an increase in the capacity and resources of the Georgia Board of nursing to: (1) respond to the needs of the state's roughly 170,000 licensed practitioners; (2) Facilitate the licensure and re-licensure process in a uniform and timely manner; (3) Provide a comprehensive collection and analysis of nursing workforce data collected during the re-licensure process; (4) Manage a disciplinary process for nurses that guarantees due process and public protection; and (5) Regulate and ensure the quality of all nursing education programs in the state. The presenters also discussed how additional Board of Nursing Staff positions could help streamline licensure. The presenters concluded by discussing the possibility of a separate APRN license. Chairman Walker asked about pending legislation concerning APRNs. The presenters stated that it is currently in conference committee.

Practical Strategies for Licensing Reforms

Ms. Jamie Cavanaugh and Ms. Megan Forbes with the Institute for Justice gave a presentation providing practical strategies for licensing reform. Ms. Forbes discussed the *Jackson v. Raffensperger* case stating that the main takeaway is that the government bears the burden of providing a legitimate reason or interest for a license. She continued by discussing a study that the Institute for Justice completed entitled *License to Work* which was a national study of the burdens of occupational licensing. The study's key findings were: licensing is widespread, licensing is burdensome, and many licensing burdens are questionable. Among 102 lower income occupations, most are unlicensed by at least one state. Ms. Forbes offered the following strategies for reform: review, repeal, and pare back. State governments should review proposals for new licenses and existing licenses to make sure they are narrowly tailored to protect against credible evidence of harm and states should consider less restrictive alternatives when appropriate. States should repeal licenses for occupations that are not necessary to protect public health or safety or not licensed elsewhere. States should pare back broad scopes of practice to exempt safe and common services. Nationwide, licensing burdens decreased by twenty percent over the last five years. Ms. Forbes concluded by discussing the importance of reducing licensing barriers for people with criminal records. She specifically pointed to Senate Bill 157 as a national best practice. She also stated that 40 states have reformed their laws to ease licensing burdens for people with criminal records who are rehabilitated.

The Impact of Licensure on Specific Professions

The Committee also heard testimony from Mr. Spencer Johnson, Mr. Trenton Turk, and Mr. Mark Chastain with the Surveying and Mapping Society of Georgia; Ms. Gale Macke with the Georgia Licensed Professional Counselors Association; and Mr. Rusty Royston with the Soil Science Society of Georgia. These speakers all discussed their professions' efforts to streamline licensure by removing barriers to ease workforce shortages.

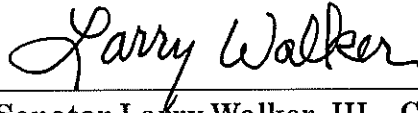
FINDINGS AND RECOMMENDATIONS

The Senate Study Committee on Occupational Licensing recommends the following:

- 1) Pass Senate Bill 157.
- 2) Implement the changes requested by the Surveying and Mapping Society of Georgia. These changes are supported by the Georgia State Board of Registration for Professional Engineers and Land Surveyors.
- 3) Move the operation, function, and revenue generated by the Georgia Board of Registration for Foresters from the Georgia Secretary of State to the Georgia Forestry Commission (GFC). GFC Director, Tim Lowrimore, is amenable to accepting this responsibility, assuming funding is transferred to GFC.
- 4) Sunset licensing requirements for any occupation where licensing has not been proven necessary to protect public health, safety, or welfare (reference *Jackson vs. Raffensperger*). Examples could include makeup artists, librarians, low-voltage contractors, and manicurists.
- 5) Fully support the Secretary of State's modernization initiative as described by COO Sterling.
- 6) Adequately fund the Board of Nursing.
- 7) Adequately fund the Composite Medical Board.
- 8) Deem advanced nursing protocol agreements approved 30 days following the date of submission of a fully complete application.
- 9) Where reasonable, move to universal recognition (reciprocity) of out-of-state licenses.
- 10) Shorten the 90 day deadline for issuing an expedited license or a license by endorsement, as prescribed by House Bill 155, to 30 days.
- 11) Consider the adoption of a Military Medics and Corpsman Program, much like the Virginia model.

Respectfully Submitted,

**FINAL REPORT OF THE SENATE OCCUPATIONAL
LICENSING STUDY COMMITTEE (SR 85)**

A handwritten signature in cursive script that reads "Larry Walker". The signature is written in black ink and is positioned above a horizontal line.

**Senator Larry Walker, III – Committee Chairman
District 20**