

HOUSE BILL REPORT

HB 2355

As Reported by House Committee On:
Consumer Protection & Business

Title: An act relating to alternative licensing standards of professional licenses.

Brief Description: Creating alternative professional licensing standards.

Sponsors: Representatives Vick, Hoff, Harris, Gildon and Volz.

Brief History:

Committee Activity:

Consumer Protection & Business: 1/22/20, 1/28/20 [DPS].

Brief Summary of Substitute Bill

- Grants the Department of Licensing the ability to consider competency-based licensing standards for professional licenses.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis, Blake, Duerr, Dufault, Johnson, J., Ryu, Santos, Volz, Walen and Ybarra.

Staff: Robbi Kesler (786-7153).

Background:

The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, the DOL issues licenses and ensures compliance with professional standards and laws.

Examples of professions regulated directly by the DOL, or in coordination with a board or commission, include:

- architects;
- cosmetologists;

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- funeral directors;
- real estate brokers; and
- security guards.

Requirements for a professional license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Many professions have provisions for some form of reciprocity or consideration of experience from other states or military service. In addition, the DOL and other licensing authorities must expedite the issuance of a broad range of professional licenses, certificates, registrations, or permits for qualified military spouses.

Summary of Substitute Bill:

The Department of Licensing (DOL) may issue an occupational license, without regard to other requirements, to an applicant if the applicant meets all competency-based licensing requirements for a specific occupational license, as determined by the DOL. When there is a reciprocity agreement in place with a national organization in order to facilitate reciprocal professional licensing of out-of-state professionals, the DOL must continue to regulate the licensing in accordance with that agreement.

"Competency-based licensing requirement" is defined as a practical assessment of knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation or profession regulated by the DOL. The DOL must determine the competency-based licensing requirement is at least as effective as examination-based occupational licensing requirements at demonstrating proficiency and protecting the health and safety of the public. A competency-based licensing requirement may include, but is not limited to, any combination of training, experience, testing, or observation.

"Occupational license" is defined as a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession which is regulated by the DOL.

Substitute Bill Compared to Original Bill:

Competency-based licensing requirement language is added to Title 18 RCW.

When there is a reciprocity agreement in place with a national organization in order to facilitate reciprocal professional licensing of out-of-state professionals, the DOL must continue to regulate the licensing in accordance with that agreement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill only concerns licenses administered by the DOL. This option would be a permissive directive to the DOL and does not require them to take any particular action. When there is a clear way to demonstrate a skill but the law does not allow the DOL to take that into consideration, many people, particularly new residents, are at a disadvantage and are required to take duplicative training hours or work as an apprentice in order to obtain a license in this state. Allowing applicants to demonstrate the necessary skills in an alternative assessment will help new residents and possibly military families while still maintaining safe licensing standards. This is a not a deregulation of licensing, instead simply a smart step in allowing those with proven competency to begin working.

(Opposed) Some professions have a very specialized skills test, however, not all states use the same test. Licensees from states that do not use the same testing standard should still be held to the same standard already in place in Washington.

(Other) Testing ensures an applicant has the knowledge, and health and safety goals can be accomplished by other means such as competency-based evaluations. This isn't appropriate for every profession, but there is potential to evaluate this on a case-by-case basis. While it's possible to bypass some licensing requirements, it should be required that the applicant be measured for state-specific knowledge when appropriate.

Persons Testifying: (In support) Representative Vick, prime sponsor; and Patrick Connor, National Federation of Independent Business.

(Opposed) Elizabeth Harvey, Washington State Court Reporters Association.

(Other) Todd Myers, Washington Policy Center; Beau Perschbacher, Washington State Department of Licensing; and Mary Hull-Drury, Washington REALTORS.

Persons Signed In To Testify But Not Testifying: None.