



Notes
PCC Member Strategy Call
Tuesday, June 28, 2022
12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Nicole Steinberg (Pillsbury)

1. Welcome.

- a. The PCC hopes that summer is off to a good start for everyone! As always, we appreciate your support over the last year.
- b. Invoices for the next fiscal year (July 1, 2022-June 30, 2023) will be sent out in July.
- c. As we have done in the past, we will soon be circulating a “Year in review”/prospectus for the next fiscal year.
 - i. Included will be the **120** bills monitored and **62** legislative letters we sent out.
 - ii. We will also include our victory in Oklahoma on SB 1691 which was meaningful not just in that single state, but for its potential to be used as a model for similar legislation.
 - iii. We are proud of what we have accomplished this year and looking forward to building on it in the next fiscal year.

2. A Regulator’s Perspective: Discussion with Missy Anthony, Executive Director of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

a. Introduction by Craig

- i. The PCC first encountered Missy Anthony when we were invited by the National Board for Certification in Occupational Therapy (NBCOT) to present at its legislative conference and our presentation gave Missy the idea that our perspective could be of value in Ohio.
- ii. Prior to serving as executive director of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) board, she worked for the office of Ohio Governor John Kasich and the Ohio House of Representatives.
- iii. She is a native of Akron, Ohio and earned her bachelor’s degree from the University of Akron and her master’s from Ohio University.

b. Ex-Offender Reentry Bills

- i. Ohio had a Fresh Start/Clean Slate bill and the OTPTAT board had trouble convincing the legislative sponsor that the use of criminal conviction history was not a problem that needed to be fixed.
- ii. Health care boards do not deny a significant number of licenses based on criminal history, so the bill’s passage has mainly allowed OTPTAT to gather more data on criminal convictions.

c. Licensure Reciprocity

- i. Missy prefers interstate compacts over universal licensure bills, as an interstate compact elevates licensure among all states that decide to join and enhances the ability for state boards to cooperate, as it is an agreement to share information.
- ii. Although many new licensure compacts have passed in Ohio, two universal licensure bills have started to see movement (Ohio is a full-time legislature and still in session).
- iii. OTPTAT views the Senate version of the bill as better, but she still has concerns.
- iv. It is reasonable to open up pathways to those with extensive relevant experience, but many

universal licensure bills only require minimal experience. For example, 3 years, when OTPTAT considers something in the realm of 15 years to be sufficient experience to bypass licensure requirements.

- v. Legislative sponsors don't want to make exceptions to avoid a domino effect.
- d. **Sunrise/Sunset Laws**
 - i. There is a sunset review law that is more focused on the agencies and whether they are effective at the job for which they are tasked.
 - ii. There is also an occupational review bill that is moving through the legislature
 - iii. Many libertarian groups have advocated to drop licensure for many professions, and the Ohio legislature has decided instead to lean into certification
 - iv. OTPTAT has had to spend time educating the legislature that certification often requires multiple examinations, which adds to, rather than lessens the burden on applicants
- e. **Licensing Agency Work**
 - i. Missy underscored the importance of PCC members developing entry level requirements
- f. **Question:** What data is OTPTAT gathering for the Ohio Fresh Start Act that you hadn't been gathering before?
 - i. **Answer:** Most medical professions in Ohio require background checks and those that don't still inquire about past criminal convictions. The Fresh Start Act requires this information to be reported and for agencies to look back at five years of applicant data. This forced us to change the way we collect and store applicant data. Previously, due to privacy concerns, OTPTAT aggregates collected background data, but now we have to keep it and report it in a certain way, such as how many offenses resulted in a denial of licensure. We have had very few denials based on criminal history in the past five years, potentially because a lot of competitive higher education programs are conducting background checks as part of their admissions process. It is likely that those with criminal histories are not even making it to college, so the hurdle isn't necessarily licensure or certification, it may be getting into school in the first place.
- g. **Question:** What are additional successful attributes of licensure compacts?
 - i. **Answer:** Although a lot of states have pathways for military spouses, a compact is still more convenient. Also, compacts are especially helpful for telehealth, which has become much more prevalent since the pandemic. For example, FBI fingerprints that must be done in person take 3-4 months to process and a licensure compact would speed up that process significantly.
- h. **Question:** Can you speak more to the challenges you face with professions you oversee that are not universally regulated?
 - i. **Answer:** The biggest challenge I see is in orthotics, a profession for which less than half the states require licensure, but on the other hand, requires a residency program which requires completing a master's program. This means there is essentially no pathway for licensure for applicants outside of Ohio.
- i. **Question:** What is driving the discussion around experience v. entry level education?
 - i. **Answer:** For several administrations now, organizations have been attacking regulation at the national level. As licensure boards, we need to be thoughtful about what we're requiring. Legislators get wind of one bad story – for example, a military spouse that couldn't get a license – and use it to make sweeping changes. Licensure boards need to ensure that legislators understand where additional hurdles to licensure are necessary to ensure the profession is well regulated and where regulations are overly burdensome.

3. State Legislation

- a. Updated watchlists and the monitored bill list are posted on Members Only portion of the PCC website.
- b. Two companion bills in Ohio are the only high priority bills that remain active. Both have passed

- one chamber.
- c. Neither comport with PCC principles because they permit private certification to substitute for other substantive evidence of skills or competency if the applicant’s home state does not require licensure.
 - d. We have sent letters proposing changes that would require occupational boards to determine whether there is at least substantial equivalency between the qualifications of an unlicensed, out-of-state individual and the qualifications required for an Ohio licensee.

High Priority Bills

State	Bill Number	Category	Priority
Ohio (OH)	HB 203/SB 131*	Universal Licensure/Reciprocity	High

* Indicates activity after our last member strategy call

Dead High Priority and Noteworthy Bills (since our last member strategy call)

State	Bill Number	Category	Priority
South Carolina (SC)	S 295	Ex-offender Reentry	High
Vermont (VT)	H 494/S 203	Ex-Offender Reentry and Universal Licensure/Reciprocity	High

Movement on Other Noteworthy Bills

State	Bill Number	Category	Priority
Louisiana (LA)	HB 597/HB 1062*	Review and Repeal	Medium

* Indicates activity after our last member strategy call

4. Federal Legislation

- a. *REBUILD Skills Act* update
 - i. The PCC is in frequent communication with Rep. Kilmer and Sen. Klobuchar.
 - ii. We received feedback from the committees of jurisdiction that our proposed bill is too broadly applicable (i.e. too many beneficiaries) from a federal budgetary perspective.
 - iii. We are working to narrow the eligible population to those who have exhausted their unemployment benefits, such as those created under the CARES Act and are working on updated draft language.
 - iv. We will continue to provide updates on the substance of the draft language and the timing for introduction of the bill. The bill sponsors are committed to identifying workable changes that will give the bill a realistic chance at passage once introduced, rather than simply introducing it as a message bill.