

April 9, 2026

Stephen Slivinski

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Re: Public Comment in Support of Occupational Licensing Reform

Dear Members of the Committee:

I am a Senior Fellow at the Cato Institute, where I research labor market regulation, occupational licensing, and economic liberty. I submit this comment in strong support of reform to Montana's occupational licensing system—and in particular, reform of the boards that enforce those laws. Decades of empirical research and a growing body of legal precedent make clear that the current structure of occupational licensing boards imposes significant economic harms on workers, entrepreneurs, and consumers while providing few of the public health and safety benefits their proponents claim.

The Collateral Consequences of Occupational Licensing

Occupational licensing requirements—which now affect nearly one in five American workers—impose measurable economic costs that consistently outweigh any benefits they provide. Research shows that licensing restrictions reduce labor supply and depress business formation, particularly for low-income workers and entrepreneurs. Estimates suggest licensing laws lower employment rates for affected groups by between 11 and 27 percent. Licensing also restricts geographic mobility, since licenses generally do not transfer across state lines without explicit reciprocity arrangements.

For those who have served a prison sentence, licensing laws add an additional barrier to reentry, pushing some back toward criminal activity and raising recidivism rates. There is little credible evidence that these costs are offset by meaningful improvements in service quality or public safety.

The barriers that licensing creates for those reentering the workforce after incarceration are particularly acute in Montana. For instance, the state deploys inmates to fight wildfires—a rigorous and valuable form of public service—yet state law prohibits those same individuals from obtaining occupational licenses after release because of licensing and certifications provisions that prohibit those with convictions “for which the applicant could have been imprisoned in a federal or state penitentiary.”

The Justice Department's Bureau of Justice Statistics estimates that about 66 percent of those released from prison are rearrested within three years, and 82 percent are rearrested within 10 years. Research consistently finds that obtaining gainful employment is one of the strongest predictors of whether a formerly incarcerated person will avoid reoffending. Yet licensing boards in 30 states can deny licenses based on an arrest that did not even lead to a conviction, and boards in five states can disqualify applicants based on a felony entirely unrelated to the licensed field. These types of provisions give licensing boards often give broad discretion to exclude former

offenders from licensed occupations, with little guidance and no required nexus to public safety. Montana currently has a version of these types of provisions on the books and other accompanying levers that penalize those just trying to obtain a second chance outside of prison.

The Problem with Licensing Boards

While licensing laws themselves create economic distortions, the structure of the boards that enforce them compounds the problem. Across the country, roughly 85 percent of occupational licensing boards are required by statute to award a majority—and sometimes a supermajority—of voting seats to active members of the very profession they regulate. These are individuals with a direct financial interest in limiting competition. As antitrust scholar Rebecca Allensworth of Vanderbilt University has written, “licensing boards are public-private partnerships that in some ways combine the most dangerous features of a professional association and a governmental agency. Boards have all the interests and incentives of a private club, and the police power of the state to back them up.”

Analysis of enforcement records shows that some boards spend more resources pursuing cease-and-desist actions against unlicensed practitioners than disciplining license holders who are providing substandard or dangerous services. Boards have also used expansive interpretations of licensing statutes to target innovative competitors—most notably, dental boards that moved to shut down low-cost teeth-whitening entrepreneurs, conduct the U.S. Supreme Court found to be anti-competitive in *North Carolina State Board of Dental Examiners v. FTC* (2015).

Recommended Reforms

The most meaningful reform available to Montana is to transfer enforcement authority over licensing laws from industry-controlled boards to accountable executive branch agencies—the same institutions that enforce many other categories of state law. This does not mean ending oversight of licensed professions; it means placing that oversight under the supervision of officials who are answerable to the governor and, ultimately, to the public.

If Montana opts to preserve licensing boards in some form, those boards should at minimum be stripped of direct rulemaking and enforcement authority and converted into advisory bodies only. The Federal Trade Commission’s own guidance—issued in the wake of the Supreme Court’s *NC Dental* decision—confirms that states can avoid antitrust liability “by creating regulatory boards that serve only in an advisory capacity, or by staffing a regulatory board exclusively with persons who have no financial interest in the occupation that is being regulated.” Additional steps, such as requiring a near-parity of public members on oversight boards would further reduce the cartel-like character of the current system.

Montana should also reform the provisions that allow licensing boards or local jurisdictions to deny applications based on criminal history unrelated to the occupation at issue. The most straightforward reform is to prohibit licensing boards from considering a criminal conviction unless it is substantially related to the specific occupation being licensed. This would ensure, for example, that a felony DUI conviction could bar someone from driving a school bus, but could not prevent them from becoming a construction contractor or electrician.

Montana can model leadership here by ensuring that those who have paid their debt to society—including those who have already been trained and served the state fighting wildfires while part of the state prison firefighting corps—are not permanently locked out of the labor market by arbitrary licensing barriers with no connection to public safety.

Finally, Montana should seriously consider whether many of the occupations currently subject to licensing requirements need to be licensed at all. Eliminating unnecessary licenses is the most direct and durable way to restore economic opportunity to workers and entrepreneurs who are currently blocked from earning a living by laws that serve incumbent interests far more than the public.

I appreciate the committee's attention to this issue and am available to provide additional research, testimony, or analysis as the committee's work continues.

I urge Montana to lead on reforms like these and return the right to earn a living to the workers and entrepreneurs the current system has harmed. Linked below are sources that served as the basis for my comments and can supply the committee with further information.

Respectfully submitted,

Stephen Slivinski
Senior Fellow
Cato Institute

Sources:

[Americans shouldn't need government permission slips to work](#) Washington Post, December 3, 2025

[The Case Against State Occupational Licensing Boards](#) Cato Institute Briefing Paper, October 7, 2025

[Guardians or Gatekeepers? Industry Capture of Dental Boards 10 Years After NC Dental](#) Pacific Legal Foundation, February 2025.

[Turning Shackles Into Bootstraps](#) Center for the Study of Economic Liberty, Arizona State University, 2016

Client name Cindy Patterson
Form Montana Licensing Reform Task Force
Matter Cindy Patterson - Rules
Sent April 9, 2026 at 1:43 AM
Due
Submitted April 9, 2026 at 1:43 AM

Cindy Patterson

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Montana Licensing Reform Task Force

This Task Force was created pursuant to Executive Order 1-2026 on January 29, 2026.

Purpose of the Licensing Reform Task Force

The Task Force shall provide the Governor with recommendations and strategies for the State of Montana to reform the professional occupational licensing system for the purposes of:

- identifying and removing burdens and barriers faced by licensees that are not necessary to protect the public; and
- improving access to and availability of professional services for citizens across Montana, including rural communities.

In developing recommendations and strategies, the Task Force shall seek input from Montana citizens, legislators, Montana associations whose members are licensed occupational professionals, professional licensing boards, relevant state agencies, advisory groups and researchers focused on occupational licensing, and other appropriate stakeholders as determined by the Task Force.

Public Record

Please note that all information received through this form is public record.

Which committee would you like to receive your comment?

Full Task Force
Health Care Subcommittee
Barriers Subcommittee
Sunset Review Subcommittee

We want to hear from you!

We would like to receive any comments you would like the Task Force, or one of its subcommittees, to review. In addition, we are specifically looking for feedback for:

1. Specific topics a committee or the task force should consider, and
2. Specific people or organizations you think the task force should hear from.

Do you have a general comment or a specific person or topic for the Task Force to hear from?

General comment

What are your comments?

This submission includes evidence for the April 13 Full Task Force meeting and is relevant to the Health Care, Barriers, and Sunset Review subcommittees.

In March, I testified before the EAIC regarding the Montana Board of Behavioral Health's handling of the cross-complaints filed by both myself and my former therapist against my husband.

As a vulnerable client with complex PTSD, I spent five years in counseling before entering a romantic relationship with my therapist and marrying him only 14 months after termination. Under ARM 24.219.2301(2)(b)(iii), sexual or romantic involvement within two years of termination is prohibited, and after two years the licensee must demonstrate that no exploitation occurred based on factors such as the client's personal history, mental status, and likelihood of adverse impact. My circumstances met multiple exploitation factors, yet the Board did not apply its own rule.

Before the marriage, my husband's own PhD therapist became involved in my case in ways that shaped the conditions for the exploitation. He reframed my distress over the relationship as "attachment issues," influencing my decision to proceed with the marriage. After the marriage, he provided concurrent individual counseling to both myself and my spouse, which the Board's own compliance officer identified as an unethical dual relationship. This dual role skewed his objectivity and obscured my abuse, and he later used his professional title to attempt to influence the licensing decision in West Virginia, where my husband also held a license, in a manner falling under the rule prohibiting exploitation of professional relationships (ARM 24.219.2301(2)(e)).

In Wyoming, multiple violations were alleged against my spouse, and the pattern was serious enough to warrant revocation. Montana, however, declined reciprocal discipline and dismissed the complaints against both clinicians. Montana also ignored my husband's claim to West Virginia that my counselor accused him of filming 'live porn' in our basement—an allegation showing clear mental instability.

These outcomes were not the result of one person's decision—they reflect structural weaknesses in Montana's disciplinary framework. To prevent similar failures, I am requesting statutory reforms in three areas:

1. Ban therapist-client romantic relationships.

Montana's current two-year rule allows sexual or romantic involvement after termination. The power imbalance does not end at termination, and true consent is not possible. A complete ban is needed.

2. Require mandatory reciprocal discipline.

Montana accepts out-of-state licenses under reciprocity and should likewise honor out-of-state disciplinary actions. Optional reciprocity allowed the Board to disregard Wyoming's findings.

3. Reform Board procedures to increase transparency and consistency.

To address screening-panel secrecy and inconsistent dismissals, the following changes are needed:

- Knowledge Presumption: Because the rules are written as prohibitions that presume prior knowledge, licensees are presumed to know all regulations and must seek written Board clarification (compliance officer) for any uncertainty, rather than relying on peers, supervisors, or private counsel to skirt responsibility.*
- Public Disciplinary Labels: Any Board action—educational, advisory, corrective, etc.—should be designated as discipline and made public to prevent the use of soft language that obscures outcomes.*
- Transparent Dismissals: The Board should provide written explanations for all dismissals, including their interpretation of any rule raised or implicated.*

Supporting documents are provided through the secure link below. The files are set to "anyone with the link can view" so staff can download and print them for the April 13 meeting packet.

Document folder:

<https://drive.google.com/drive/folders/1dqOXuKH4NUIvCnqj1y6DJ5o9eTddoAmT?usp=sharing>

*Thank you,
Cindy Patterson
(304) 618-3482*

Client name Kaylynn Sheldon
Form Montana Licensing Reform Task Force
Matter Kaylynn Sheldon - Rules
Sent April 10, 2026 at 11:56 AM
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Submitted April 10, 2026 at 11:56 AM

Kaylynn Sheldon

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Specific person or topic

What are your comments?

Dear Members of the Task Force Council,

I am writing to respectfully request consideration for expanding the scope of practice for Licensed Denturists in the state of Montana to include the ability to take radiographs within private practice settings.

Denturists are formally educated and clinically trained in oral anatomy, pathology recognition, and prosthodontic care. However, current regulatory limitations prevent them from utilizing radiographic tools that are already consistent with their training. Aligning scope of practice with education is a practical, evidence-based policy approach that ensures the healthcare workforce is used to its full capacity.

Access to oral healthcare remains a measurable challenge in Montana, particularly in rural and frontier communities. Many areas experience shortages of dental providers, resulting in delayed diagnoses and limited access to timely care. Expanding the scope of denturists would immediately increase the number of providers capable of performing thorough assessments and identifying conditions that require referral.

Radiographs are a foundational diagnostic tool in modern oral healthcare. A significant portion of oral disease—including cysts, tumors, infections, and bone abnormalities—may not be detectable through visual examination alone. Early detection through radiographic imaging is directly associated with improved patient outcomes, reduced treatment costs, and decreased burden on the broader healthcare system.

I would like to share a recent clinical experience that highlights the importance of expanding diagnostic capacity. I was treating a patient who had been directly referred from a dental office just days prior. Upon evaluation, I identified a large, slow-growing lesion located on the right retromolar pad. The growth was purple in color and soft in texture—features that warranted further investigation.

I contacted the referring dentist to discuss whether there were plans for removal and biopsy. The dentist indicated they were not aware of the presence of this growth. To ensure the patient received appropriate care, I offered to refer the patient to a maxillofacial surgeon for further evaluation, removal, and biopsy. The dentist and patient were grateful for the collaboration and attention to detail. It is my opinion that dental specialists and general dentists should unite to form a highly trained team of dental providers that will only serve as a benefit to patients within the community.

This experience is not shared to highlight an oversight by a colleague, but rather to underscore an important reality in healthcare: patient safety is strengthened when more trained professionals are equipped with the tools necessary to fully evaluate and identify potential pathology. Each additional qualified provider who can assess, detect, and refer contributes to a stronger safety net for the people of Montana.

By authorizing denturists to take radiographs, Montana would effectively increase its diagnostic capacity without requiring the training of new providers. This is a cost-effective workforce solution that enhances early detection and timely referral, particularly in underserved areas.

From a public safety perspective, increasing the number of trained professionals who can recognize abnormalities—both clinically and radiographically—reduces the likelihood of undiagnosed or late-stage disease. In rural communities especially, where patients may have infrequent access to care, maximizing each patient interaction is critical.

This expansion would not replace the role of dentists, but rather complement the existing healthcare system. Denturists would continue to work within a collaborative model, ensuring that patients requiring advanced care are directed to the appropriate providers.

In summary, expanding the scope of practice for Licensed Denturists to mirror education and training, which includes radiographic imaging would:

Increase access to care, particularly in underserved and rural communities

Improve early detection of oral disease and pathology

Enhance patient safety through broader diagnostic coverage

Reduce overall healthcare costs through earlier intervention

Better align regulatory policy with existing education and training

I respectfully urge the Council to consider this evidence-based policy change. Empowering denturists to practice to the full extent of their training will strengthen Montana's oral healthcare system and provide meaningful benefits to the public.

Thank you for your time, consideration, and dedication to improving healthcare access and safety across our state.

*Sincerely,
Kaylynn Sheldon L.D*

Client name Kaylynn Sheldon
Form Montana Licensing Reform Task Force
Matter Kaylynn Sheldon - Rules
Sent April 10, 2026 at 11:09 AM
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Submitted April 10, 2026 at 11:09 AM

Kaylynn Sheldon

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