

Allen's Sunset Proposal

Frequency:

Recommendation:

8-year rotation

Justification:

There are 38 boards / programs and 154 different licenses in the pool for review. Below is the math on how many boards/programs and licenses would need to be included in each interim based on the frequencies discussed.

	Number of Boards / Programs	Number of License Types
Total	38	154
Every 2 Years	38.0	154.0
Every 4 Years	19.0	77.0
Every 6 Years	12.7	51.3
Every 8 Years	9.5	38.5
Every 10 Years	7.6	30.8
Every 12 Years	6.3	25.7

If done every 8 years, the Economic Affairs Interim Committee (EAIC) would need to review 10 boards or 39 licenses each interim.

Review Structure

Recommendation:

Data collection by Department of Labor & Industry (DLI) staff. Presentation made to EAIC who would then decide to:

1. Continue with no changes.
2. Request audit of data for further review.
3. Recommend changes to law and/or rules.
4. Recommend sunset of license.

Justification:

Due to questions about the time and cost associated with an independent entity auditing all data presented to EAIC, I propose initial data collection be carried out by DLI staff. If the EAIC are not confident the data presented is correct they can request an audit. They then could recommend changes that would then become legislation. I would highlight that each legislator currently has the authority to

introduce legislation to do any of these things. This structure creates the responsibility for each board to review their laws and rules on a regular basis.

Scope of Review

Recommendation:

Review two main concepts:

1. Board practices and administration
2. Individual licenses

Each review includes the following metrics at the license level: (*italic indicates in current report*)

1. License Name – name of the specific license.
2. Board / Program – board overseeing the license. DLI Staff for programs.
3. Board Meetings – number of meetings held of the full board in the prior 2 years.
4. Board Members – number of members serving on the board.
5. Public Board Members – number of public members serving on the board.
6. Board Vacancies – number of member vacancies lasting over ## months in the prior 2 years.
7. Average Application Processing Time in Days – average number of days between application submittal and notification of licensure.
8. Median Application Processing Time in Days – median number of days between application submittal and notification of licensure. Provided to offer context to average which can be misleading due to outliers.
9. Denied Applications – number of applications denied by the board after review of an application. If an applicant applied multiple times, each application that was denied counts as a denied application.
10. *Inspections – as currently defined in Governor’s report.*
11. *Audits – as currently defined in Governor’s report.*
12. *Revenues – as currently defined in Governor’s report.*
13. *Expenditures – as currently defined in Governor’s report.*
14. *New Licenses – as currently defined in Governor’s report.*
15. *Applications – as currently defined in Governor’s report.*
16. *Renewed – as currently defined in Governor’s report.*
17. *Online Renewals – as currently defined in Governor’s report.*
18. *Online Applications – as currently defined in Governor’s report.*
19. *Complaint - New – as currently defined in Governor’s report.*
20. *Complaint - Revoked – as currently defined in Governor’s report.*
21. *Complaint - Suspended – as currently defined in Governor’s report.*
22. *Complaint - Dismissed – as currently defined in Governor’s report.*
23. *Complaint - Sanctioned – as currently defined in Governor’s report.*
24. *Complaint - Investigations – as currently defined in Governor’s report.*
25. Licensing Fees – revenue from applications and renewals.

26. Other Revenue – other revenue, should indicate amounts collected through fines and penalties.
27. States SE – number of states found to be substantially equivalent with Montana.
28. States not SE – number of states found to NOT be substantially equivalent with Montana.
29. Reciprocal License Applications – number of applications for licensure from individuals currently licensed in other states.
30. Reciprocal Licenses Granted – number of licenses granted to applicants currently licensed in other states.
31. Average Reciprocal Application Processing Time in Days – average number of days between application submittal and notification of licensure for applicants for a reciprocal license.
32. Provisional Licenses Granted – number of provisional licenses granted pending verifications.
33. Provisional Licenses Converted – number of provisional licenses that converted to active licenses after verification process.
34. Compact – does this license have a compact available.

These metrics to be collected and reported by Department of Labor and Industry. The EAIC may request an audit of this data.

In addition to the metrics, each Board will compile answers to the following questions for presentation in the report:

1. What is the risk to the public if this license were removed?
2. What other regulation depends on this license? (examples being insurance billing for health care or government audits for CPAs)
3. For initial licensure, what are the requirement for:
 - a. Education
 - b. Examination
 - c. Experience
 - d. Other
4. For continued licensure, what are the continuing education requirements?
5. How do responses to questions 3 and 4 protect the public?
6. Are there alternative methods that could ensure similar public protection?
7. How are out-of-state applicants evaluated? (substantial equivalency, compact, etc.)
8. Are statutory definitions or scope-of-practice provisions outdated?
9. Are there opportunities to improve efficiency, reduce barriers, or enhance public protection?
10. Are there emerging technologies or practices that warrant consideration?

Justification:

These metrics and questions attempt to cover the administration and relevance of licensure. Metrics were designed to strike a balance between actionable information and ease of collection. Questions attempt to create an opportunity for each board to review and evaluate their current level of regulation that would then be presented to the EAIC. My intent here was to try to ask the questions that would reasonably be asked by the committee. I would encourage the process to review the meetings where the licenses are reviewed to adjust the metrics and questions to align to the questions asked by the EAIC over time.

Burden of Proof

Recommendation:

Allow the legislative process to provide a framework where legislators, boards, and the public have opportunities to engage. Final determinations will continue to live with the legislators.

Justification:

The ultimate responsibility for deciding how professional licensure should move forward lies with the legislature. Due to the seriousness of legislative matters, the current legislative process provides opportunities for the public to engage in these decisions. This process is being created with the intent to provide a framework and required information to assist the legislators in making their decisions.