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Maureen K. Ohlhausen
Acting Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Ms. Ohlhausen,

Thank you for the opportunity to provide comments in advance of the Federal Trade Commission's Economic Liberty Task Force roundtable, "Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability."

These comments represent the perspectives of the Council of Landscape Architectural Registration Boards (CLARB), an organization of state regulatory boards who protect the public from negligent, incompetent or unethical practice, which can cause physical injury, damage to property and natural resources, and financial harm. Examples of such conditions include unsafe vehicular and pedestrian circulation systems, playgrounds and recreational areas; substandard grading, storm water drainage and erosion control; and inaccessible outdoor sites not in compliance with the Americans With Disabilities Act.

Accordingly, landscape architecture is one of 60 professions licensed in all 50 states and the District of Columbia.

For nearly 50 years CLARB has supported its members as they fulfill their state's responsibilities to protect public health, safety and well-being, as enabled by the Tenth Amendment, affirmed by judicial review (Dent v. West Virginia (129 U.S. 114 (1889)) and articulated in enabling statue.

Landscape architects are sought in every U.S. jurisdiction due, in large part, to a growing awareness of the benefits and risks associated with design and construction of the natural and built environment. Underscoring this point, more than half of these professionals are licensed in multiple states. Accordingly, CLARB, its members and stakeholders work diligently to encourage and support portability that fosters public protection <u>and</u> economic opportunity.

Landscape architect licensure requirements across all 50 states and the District of Columbia are based on a common, simple framework of education, experience and examination standards, which are essentially similar from state to state with minor variations. Because of this, and with the support of the CLARB Council Record (an online credential database), becoming licensed in another jurisdiction is relatively simple and can be accomplished in as little as a week if the state allows for administrative approval.

While our community has worked to minimize or eliminate actual <u>barriers</u> to portability, we recognize that there are opportunities to further reduce inconvenience and frustration to prospective licensees. To this end CLARB has embarked on an innovative initiative to eliminate unnecessary friction in the licensure process—that which doesn't adversely impact public health, safety and well-being. We expect to conclude the first stage of this process, the "friction analysis," in a year and plan to broadly share our findings with the occupational regulation community.

Your announcement invited comments on various models employed to enhance portability. We are pleased to provide our perspective in response to the following questions:

What are the advantages and disadvantages of the mechanisms that interstate licensure compacts and model laws use to ease licensing requirements across state lines, such as mutual recognition, endorsement, and expedited licensure?

Like other licensed design professions, CLARB promulgates a model law and regulations that promote best practices for balancing public protection with economic opportunity. We believe that they provide a consistent, rational, evidenced-based framework that promotes portability through harmonization of licensure standards. We further believe that they offer a mechanism to enable states to consider and codify, on a regular basis, changes in best regulatory practice driven by developments in education, professional practice, assessment, technology and jurisprudence. Ultimately states will choose to adopt those policies that best serve their needs.

To what extent does the effectiveness of a compact or model law depend on harmonization of state requirements for licensing? Do compacts and model laws tend to increase the substantive or procedural standards to obtain a state license? If there is an increase in standards, does that limit licensee participation or otherwise reduce the effectiveness of a compact or model law in easing licensing requirements?

We believe that harmonization of state requirements promotes model law effectiveness and vice versa, and are committed to promoting it in a way that respects each jurisdiction's rights. Our community views licensure as a minimum standard to ensure public protection and we employ best practices to determine what competencies must be demonstrated to ensure public protection. Requirements are typically based on the prevailing standards across all jurisdictions as opposed to the most rigorous. This is consistent with our philosophy of promoting both public protection and economic opportunity.

To what extent do centralized databases of applicants' credentials, criminal background checks, and disciplinary information contribute to the effectiveness of an interstate licensure compact? Do centralized databases make it more likely that the compact will be accepted by licensees and employers of licensees?

We employ an online credentials and disciplinary database to streamline the licensure process for all stakeholders. It contains virtually all the information that a state needs to make a licensure decision and an online request can be generated by a candidate 24/7/365. We create additional efficiency by verifying the data (which most states require), which enables the state to greatly reduce processing time.

What factors influence a state's decision to enter into a compact or adopt a model law? Are some states more willing to become part of a compact or model law than others? How effective are compacts and model laws that are not universally adopted? How can organizations that develop and administer compacts and model laws foster their adoption by more states?

We've observed that a state's decision to adopt a model law is influenced by at least three factors: 1) the desire to conform to national (as opposed to federal) standards, 2) the disposition of the legislature toward weakening or eliminating the law and, 3) the interest by non-regulated occupations in expanding their scopes of practice to include health, safety and well-being related job tasks.

As previously noted, the burdens on landscape architects associated with licensure portability are minimal given the essentially harmonized nature of requirements and the extensive use of the centralized credentials database. That said, we continue to believe that our model law and regulations provide a basis for continual updating and improvement of regulation in the public interest.

With respect to fostering wider adoption, we believe that state legislatures may need to more fully appreciate the benefits of carefully crafted model documents and those documents should endeavor to balance public protection with economic opportunity.

What, if anything, can or should the federal government do to encourage adoption of compacts and model laws that promote license portability across state lines?

While occupational licensure is a state-level responsibility, the federal government can help build awareness and understanding of the importance of portability. It can also partner with national associations, like the Federation of Associations of Regulatory Boards, to help better understand the unique challenges associated with responsible occupational regulation and how all stakeholders can work together to serve and protect the consumer.

How effective are state-based initiatives at improving the portability of licenses for military spouses? Are such portability measures more effective for some professions than others? What mechanisms have states used (e.g., endorsement, temporary licensure, expedited licensure, etc.) to assist military spouses, and which have been the most effective?

A number of states have enacted legislation to enhance portability for military spouses, principally focusing on the above-referenced mechanisms. To date our members have seen few military spouses seeking landscape architect licensure portability.

Thank you again for bringing this important issue to the public's attention, and for opportunity to provide comments in advance of the roundtable. We share your goal of enhanced portability that balances public protection with economic opportunity. While landscape architect licensure portability is relatively efficient, we are committed to working to further improve so that the licensure process is essentially friction free.

Please let us know if we can provide further information or insights as you continue the conversation.

Sincerely,

Joel Albizo
Chief Executive Officer