

**MINUTES OF THE
OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE**

Tuesday, October 21, 2014 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Todd Weiler, Senate Chair
Rep. Brian M. Greene, House Chair
Sen. Wayne A. Harper
Sen. Karen Mayne
Rep. Gregory H. Hughes
Rep. Larry B. Wiley
Mr. Duane Gardner
Ms. Heather Johnston
Mr. Merlin Taylor

Staff Present:

Mr. Bryant R. Howe, Assistant Director
Mr. Peter Asplund, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Greene called the meeting to order at 2:03 p.m. and announced Sen. Weiler's appointment as Senate Chair of the committee to fill the vacancy left by Sen. John L. Valentine. Chair Greene also welcomed Sen. Harper, newly appointed to the committee.

MOTION: Rep. Wiley moved to approve the minutes of the September 16, 2014, meeting. The motion passed unanimously. Sen. Mayne and Rep. Hughes were absent for the vote.

2. Sunset Review of the Licensing of Dentist Educators

Mr. Howe distributed "Sunset Review Process." Referring to the flowchart on the handout he described the legislative process of sunset reviews and how the committee's deliberations and recommendations fit into the process. Mr. Howe also distributed "Utah Code Section 36-23-107, Sunrise or sunset review – Criteria" and indicated that this section of the Utah Code contains the criteria the committee should consider when conducting a sunrise or sunset review.

Mr. Monte Thompson, Executive Director, Utah Dental Association, introduced President James Bekker, DMD, Utah Dental Association.

President James Bekker, DMD, Utah Dental Association, stated that the Utah Dentist and Dental Hygienist Licensing Board, the Utah Dental Association, and the two dental schools in the state would like to request that the Legislature extend the licensing of dentist educators. Dr. Bekker indicated that draft language, which would modify the requirements of a dentist educator, would be provided prior to the next general session for legislative consideration.

MOTION: Rep. Wiley moved that the committee recommend extending the sunset date of the licensing of dentist educators by two years.

Committee discussion followed.

SUBSTITUTE MOTION: Sen. Harper moved that the issue be placed on the next committee meeting agenda to provide staff time to research options and to allow for draft language containing the specific proposal of the stakeholders to be submitted for review by the committee.

Rep. Wiley withdrew his motion.

The committee voted on Sen. Harper's motion, which passed unanimously. Rep. Hughes was absent for the vote.

3. Sunset Review of the Health Facility Administrator Act

Mr. Dirk Anjewierden, Executive Director, Utah Health Care Association, indicated that the association represents the nursing homes throughout the state. He introduced and turned the time over to Mr. Bryan Erickson, President, Utah Health Care Association, who discussed the importance of the Health Facility Administrator Act and the need for continuing the professional administration of care facilities. Mr. Erickson asked the committee to extend the sunset date of the Health Facility Administrator Act. Mr. Anjewierden and Mr. Erickson responded to committee members' questions.

MOTION: Sen. Mayne moved that the committee recommend extending the Health Facility Administrator Act for a period of up to ten years. The motion passed unanimously. Rep. Hughes was absent for the vote.

MOTION: Sen. Mayne moved that the committee direct staff to open a bill file that will extend the Health Facility Administrator Act for a period of up to ten years. The motion passed unanimously. Rep. Hughes was absent for the vote.

4. Sunset Review of the Occupational Therapy Practice Act

Ms. Leslie Adler, Chair, Occupational Therapy Licensing Board, spoke in support of the Occupational Therapy Practice Act's renewal. She briefed committee members on the scope of services provided to the public at a minimal cost to the state through the Occupational Therapy Practice Act.

Mr. Kasey Mitchell, Government Affairs, Utah State Occupational Therapy Association, explained that occupational therapy is a health profession that works with individuals who have physical, cognitive, psychological, or developmental impairments to help them improve their function and participation in meaningful activities.

Committee discussion followed during which Ms. Adler and Mr. Mitchell responded to committee members' questions.

MOTION: Ms. Johnson moved that the committee recommend extending the sunset date of the Occupational Therapy Practice Act for an additional ten years and that staff open a bill file for this purpose. The motion passed unanimously.

Sen. Weiler asked staff to include in the mailing packet of future meetings a completed questionnaire that contains responses from the industry representatives requesting the sunrise or sunset review and that includes information identifying the compelling state interest in protecting against present, recognizable, and significant harm to the health or safety of the public, as stated in Utah Code § 36-23-107, for review and consideration prior to the meeting.

5. Modifications to the Architects Licensing Act

Mr. Asplund distributed draft legislation "Interior Designer Amendments" (2015FL-0406/004) and reviewed the discussion that took place during the previous meeting as background to the bill. Mr. Asplund introduced the provisions of the bill and responded to committee members' questions.

Ms. Amy Coombs, lobbyist, Interior Design Education and Legislation for Utah (IDEAL), stated that IDEAL members were present to show support of a bill that would give interior designers distinction and designation separate from architects within their scope of practice. She noted that the work performed by interior designers is described within the Architects Licensing Act, and is the reason the bill was drafted to modify the Architects Licensing Act rather than to create a new section. Ms. Coombs explained that interior designers are seeking to be able to practice their profession independently rather than remain subordinate to the architects profession.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, articulated some of the steps generally followed in the creation of a professional license or certification by the Legislature, which include:

- defining a scope of practice;
- authorizing rulemaking authority;
- establishing an advisory board;
- identifying exemptions from licensure; and
- determining the standards of practice.

Mr. Steinagel stated that the draft legislation essentially accomplishes all of those things. Mr. Steinagel also discussed the work the division would be required to assume if the bill passed.

Ms. Patti Marrow, President, Interior Design Protection Consulting, indicated that she was speaking in behalf of five national trade associations that have members in Utah. Ms. Marrow spoke in opposition to the bill. She explained that it appeared to be a backdoor approach to licensing, which would add nothing to protect the public beyond measures already in place.

Ms. Heather Wilson, Executive Director, Utah Chapter of the American Institute of Architects, introduced Mr. Corey Solum, President, Utah Chapter of the American Institute of Architects.

Mr. Solum spoke in opposition to the draft legislation. He said there is no compelling health, welfare, or safety argument to support modification of the Architects Licensing Act and requested that the committee take no formal action in order to provide time for discussion between interior design and architect professionals.

Ms. Wilson and Mr. Solum responded to committee members' questions about the education and exam requirements for architects. Ms. Wilson distributed "Appendix A: Exam Comparator," which compares aspects of the Architect Registration Exam to the National Council for Interior Design Qualification (NCIDQ) Exam.

Mr. David Davis, President, Utah Retail Merchants Association, noted that the definition of the practice of architecture within the bill is broad and does not provide clear answers to every question that may arise in response to any given project. He urged the committee to not act on the bill at this meeting, but to allow interested groups time to participate in discussions in an effort to resolve differences.

Mr. Evan Cindrich, Commercial Interior Designer, EDA Architects, discussed projects that he has designed and completed as examples of the nature of work interior designers are trained and qualified to perform.

Mr. Hans Hoffman, architect, Hoffman Architects, and board member, Utah Architect's Licensing Board, indicated that the interior design profession is not defined within the Architects Licensing Act, as previously

stated. Mr. Hoffman commented on education and training requirements for architects, explained why the 3,000 foot exemption was put into the Architect's Licensing Act, and invited an open discussion of the issues between interested groups.

Mr. Peter Emerson, owner, EDA Architects, stated that he was not opposed to pursuing the opportunity for interior designers to have some form of recognition, certification, or license as it relates to the work they do.

Ms. Jeannie Jackson, Principal, VCBO Architecture, argued that the draft bill defines qualifications but not a scope of services that interior designers would be responsible for. She also commented on liability and enforcement issues, which would need consideration if the draft legislation moved forward.

Mr. Neil Petersen, student in interior design, stated that many graduates in the field of interior design are moving out of state because they cannot get the jobs they seek in Utah.

Mr. Gary Sheffield, past President, National Kitchen and Bath Association, commented on his own professional experience over many years and frankly stated that it seems narrow minded to think that only someone who is NCIDQ certified is qualified to do interior design work.

Ms. Coombs offered concluding comments in support of the efforts being made by IDEAL.

Chair Greene noted that resolution of the issues will clearly require the cooperation and involvement of all interested groups.

Sen. Weiler stated that he is not prepared to make the draft legislation a committee bill.

MOTION: Sen. Weiler moved to adjourn the meeting.

Before voting on the motion to adjourn, the committee agreed to meet next on Tuesday, November 18, 2014, at 4:00 p.m. Sen. Harper indicated he would not be available that week.

6. Less Restrictive Alternatives to Licensing

This agenda item was not discussed.

7. Adjourn

Chair Greene called for a vote on the motion to adjourn. The motion passed with Chair Green and Mr. Gardner voting in opposition.

Chair Greene adjourned the meeting at 5:02 p.m.