

Mississippi's Professional and Occupational Licensing

Twenty states, including Mississippi, rely on independent boards for the regulation and licensing of professions and occupations. Alternatively, 28 states use a combination of independent boards and a centralized agency for regulatory and licensing matters. One state administers licensing through a centralized agency and one through state agencies.

Background

The state has an interest in the regulation and licensing of professions and occupations to ensure the public's health and welfare is protected, resources are used efficiently, and to prevent anti-competitive behavior by the boards.

Each licensed profession and occupation provides services to the public. The services may be health related in which case the state's interest is to ensure licensed individuals meet specified standards and guidelines and do not endanger the public's health. Other professions provide services which the public uses and the state's interest is to ensure the public's welfare is protected when relying on such services.

The state's interest in efficiently using resources is also shared by the public. The independent boards rely on fees from licensed individuals and businesses to operate. In turn, licensed individuals and businesses factor the cost of licensing into the fees charged to the public. Inefficient operations by a licensing board directly impact the fees charged to the public. The state and the public have an interest in ensuring licensing boards operate as efficiently as possible.

Also, the state has an interest to ensure that boards do not engage in anti-competitive behavior that unreasonably restricts a person's ability to join any profession or occupation.

What do Professional and Occupational Licensing Boards Do?

Licensing and occupational boards:

- oversee and regulate professions and occupations in an effort to ensure the competency of licensed individuals;
- determine licensing requirements based on national standards, such as education

requirements and in some cases passing an industry specific examination, and may establish standards unique to Mississippi;

- determine standards and ethical guidelines for licensed individuals and businesses to follow in everyday business matters;
- if necessary, set continuing education requirements in an effort to ensure licensed individuals remain current on changing laws, regulations, and industry standards and practices; and
- when necessary, provide disciplinary measures for violation of established professional and occupational standards and guidelines.

How many Licensing Boards does Mississippi Have?

In FY 2018, Mississippi had 29 professional and occupational licensing boards that issued 200,443 licenses. In addition, 7 state agencies issued approximately 800,000 licenses related to a profession, occupation, activity, or industry:

- Department of Education;
- Gaming Commission;
- Department of Health;
- Insurance Department;
- Department of Public Safety;
- Secretary of State; and
- Department of Wildlife, Fisheries, and Parks.

Mississippi's Licensing Model

Mississippi relies on 29 independent boards for the regulation of professions and occupations. Board members are typically appointed by the Governor although in some limited instances the Lieutenant Governor, Attorney General, or Secretary of State appoint board members. Collectively, the boards employ 155 staff members to perform daily administrative duties such as customer service, human resources, accounting, legal services,

information technology, registration, licensing, and disciplinary matters. Smaller boards frequently contract with outside entities or persons to perform some duties. In FY 2018, total appropriations for the 29 boards were approximately \$22 million. Since 2017, the Occupational Licensing Review Commission has authority to review boards' rules to ensure that boards do not engage in anti-competitive behavior. Twenty states, including Mississippi, rely on independent boards for licensing and regulating professions and occupations.

Centralized Agency Model

Twenty-eight states have a centralized agency tasked with assisting independent boards. Some centralized agencies assist boards by performing daily administrative tasks while the boards have authority to regulate and license. Other centralized agencies perform administrative tasks and employ shared staff to assist boards in implementing licensing regulations and the disciplinary process. In Texas, a centralized agency performs administrative duties and issues licenses with regulatory advice from boards. In New York, state agencies issue all professional and occupational licenses.

Reported Centralized Agency Cost Savings

Texas' centralized agency (Texas Department of Licensing and Regulation) reported annual cost savings to licensees of approximately \$16 million. In FY 2018, Georgia's centralized agency's (Georgia Professional Licensing Boards Division) budget was approximately \$9 million compared to that state's independent boards' combined operating expenses of approximately \$43 million in 1999.

Centralization in Mississippi

The Mississippi Department of Finance and Administration (DFA) currently provides one small regulatory board with administrative services through a memorandum of understanding. DFA officials have indicated a willingness to provide such services to other small regulatory agencies.

In FY 2018, regulatory boards expended \$362,480 for contractual accounting or professional services and \$2,327,622 on contractual IT services. These two contractual categories represent possible cost savings available through potential centralization of services.

Sunrise and Sunset Reviews

Sunrise and sunset reviews are steps to ensure a board is initially needed and continues to be needed to regulate a profession or occupation. Mississippi does not have a sunrise process. Professions or interested persons advocate for the creation of a new board through legislation. Mississippi also does not have a sunset process for determining the continuing need for a board. Nationwide, 14 states have an active sunrise process and 36 states have an active sunset process.

Mississippi's Independent Boards and Number of Licensees for FY 2018

Licensing Board	Number of Licensees
Athletic Commission	529
Auctioneer Commission	470
Autism Board	58
Board of Barber Examiners	5,986
Board of Contractors	10,169
Board of Examiners for Licensed Professional Counselors	2,583
Board of Examiners for Social Workers and Marriage and Family Therapists	4,079
Board of Funeral Services	1,380
Board of Licensure for Professional Engineers & Surveyors	11,156
Board of Nursing	76,556
Board of Pharmacy	12,388
Board of Professional Polygraph Examiners	40
Board of Psychology	418
Board of Registered Professional Geologists	573
Board of Registration for Foresters	1,067
Board of Veterinary Medicine	1,475
Massage Therapy Board	2,814
Motor Vehicle Commission	5,819
Real Estate Appraisal Board	1,140
Real Estate Commission	10,499
State Board of Architecture	2,043
State Board of Chiropractic Examiners	719
State Board of Cosmetology	20,395
State Board of Dental Examiners	7,669
State Board of Medical Licensure	11,689
State Board of Nursing Home Administrators	446
State Board of Optometry	402
State Board of Physical Therapy	3,441
State Board of Public Accountancy	4,440
Total	200,443

Considerations

Considerations for Mississippi's current licensing of professions and occupations:

- a centralized agency to assist all regulatory boards in daily administrative tasks while boards continue with regulatory and disciplinary authority;
- smaller regulatory boards coordinate with the Department of Finance and Administration for administrative services and retain regulatory and disciplinary authority;
- formal sunrise and sunset procedures for creating and continuing licensing boards

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