

# Governor Markell creates professional regulatory review committee

*Group tasked with making recommendations to lower barriers to entry*

**Dover, DE** – Acting to ensure that Delaware’s professional licensing regulations are instruments of opportunity, rather than arbitrary and expensive barriers to entry into the job market, Governor Markell today signed an executive order establishing a state Professional Licensing Review Committee. Building upon an effort first announced by the Governor in this year’s State of the State address, the Committee will be made up of representatives from a variety of backgrounds, including heads of executive agencies, members of the General Assembly, community advocates and members of Delaware’s regulated professions.

“It has always been a priority of my administration to make sure that all Delawareans have the opportunity to build a better life for themselves and their families,” said Governor Markell. “I am pleased that so many members of the community, including individuals from both sides of the aisle and representing a wide variety of perspectives, have agreed to come together to remove unnecessary barriers to entry and make sure that Delaware continues to be an open and welcoming environment for businesses and licensed professionals.”

The Committee is charged with conducting a comprehensive analysis of the composition, State oversight and licensing requirements of all commissions, boards and agencies that are regulated by the Delaware Division of Professional Regulation. After conducting its review, the Committee will issue a report to the Governor and the General Assembly by October 14, 2016.

The report will include:

- Recommendations for legislative or regulatory action that will remove any unnecessary or overly burdensome licensing or certification requirements;
- An examination of the relative burdens of licensing and certification requirements of regulated professions in Delaware as compared to those in neighboring states;
- Recommendations as to whether Delaware's current system of professional regulation could or should be replaced by an alternative methodology; and
- Recommendations as to the process by which the State considers proposed regulatory or legislative changes that would either add a new profession to the list of regulated professions or increase the licensure or certification requirements for existing regulated professions.

The Committee will also consider the decision of the United States Supreme Court in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, which made clear that in the absence of sufficient state oversight, professional licensing boards on which active market participants make up a majority of board members can be subject to liability under federal antitrust laws. The Committee will recommend any legislative or regulatory changes that may be needed to alleviate the risk of antitrust liability identified by the Supreme Court in that case.

Executive Order 60 is posted online [HERE](#).

Delaware Secretary of State Jeffrey Bullock will serve as the Chair of the Committee. Other Committee members appointed by the Governor will include:

- Rita Landgraf, Secretary of the Delaware Department of Health and Social Services;
- Patrice Gilliam-Johnson, Secretary of the Delaware Department of Labor;
- Robert Coupe, Commissioner of the Delaware Department of Correction;

- Bernice Whaley, Director of the Delaware Economic Development Office;
- Charles Madden, Executive Director of the Wilmington HOPE Commission;
- Ryan Tack-Hooper, American Civil Liberties Union of Delaware;
- Donald T. Fulton, Delaware State Chamber of Commerce; and
- Joshua Schoenberg, Schoenberg Memorial Chapel Inc.

The Governor also expects to appoint additional members from regulated industries.

In addition, Senators Nicole Poore and Gerald Hocker are being appointed to the Committee by President pro tempore of the Senate Patricia Blevins and Senate Minority Leader Gary Simpson, respectively. The Executive Order also gives appointment powers to Speaker of the House Pete Schwartzkopf and House Minority Leader Daniel Short.

“Delaware has been blessed with region-leading job growth, but we still have work to do”, said Senator Poore (D-New Castle). “With this order, the Governor is recognizing the state’s need for a bipartisan consensus on how we can responsibly break down barriers to the workforce. Legislators from both parties have recognized that common-sense reforms to the state’s occupational licensing rules would benefit consumers and workers alike, and I am proud to be a part of that effort.”

“Licensure rules for dangerous or specialty occupations have proven to be a crucial safeguard for employees and consumers alike,” said Senator Karen Peterson (D-Stanton). “By the same token, though, well-intentioned licensing regulations sometimes can be more of an obstacle than a consumer protection. I’m glad that the governor and my colleagues recognize that there is room for sensible reform that serves workers and job-seekers as much as consumers and employers.”

“The number of jobs that require a license has grown 600%

since 1950,” said Senator Hocker (R-Ocean View). “It is critical for our economy that we take a deep look at licensing, especially how it affects low-income jobs, and I am happy to join with the Governor in this effort. Keeping in mind the safety of the consumer, we need to do away with barriers that hinder job creation for all Delawareans.”