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# Organization of Occupational Regulation in Minnesota

## CHAPTER 2

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**There are several types of occupational regulation, including licensure, certification, and registration.**

**I**n this section we describe how occupational regulation is organized and carried out in Minnesota. We address the following questions:

- **What are the types of occupational regulation used in Minnesota?**
- **Which occupations are regulated in Minnesota?**
- **How is regulation organized and financed in state government?**
- **In general, how does occupational regulation in Minnesota compare with occupational regulation in other states?**
- **What types of regulatory proposals have been before the Legislature in recent years?**

In order to compile this information we surveyed regulatory boards and state agencies. We reviewed the national literature and interviewed officials from other states. We systematically identified occupational regulation issues before the Legislature in recent years and studied 13 recent proposals for regulation in some detail.

## MODES OF OCCUPATIONAL REGULATION

Occupational regulation can be accomplished in several ways. The most restrictive form of regulation is *licensure* which governs the right to practice a legally defined occupational scope of practice. An example is the right to practice medicine or law. A less restrictive form of occupational regulation is *certification* which legally restricts the use of a professional or occupational title, but not the right to provide similar or identical services.<sup>1</sup> For example, no one but certified athletic trainers can use that title. A still less restrictive form of regulation is

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<sup>1</sup> We are referring here to statutory certification. There are many important private certification programs, for example, certification in medical specialties such as surgery, pediatrics, or psychiatry. In practice, private certification can be virtually as restrictive as licensure.

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**Occupational regulation establishes a legally defined scope of practice and requirements for entry into a profession or occupation.**

*registration* where a roster of enrolled practitioners is maintained by state government without any restriction on the right to practice or the right to use a title.<sup>2</sup> Pharmacy drug researchers are registered by this definition of the term.

There are still other forms of occupational regulation used in Minnesota. One model is illustrated by the regulation of unlicensed mental health practitioners by the Office of Mental Health Practice in the Minnesota Department of Health.<sup>3</sup> While a number of mental health professions are licensed (including clinical psychologists and social workers) others may provide psychotherapy and other mental health services for remuneration without any state license or certification. Minnesota Statutes specify prohibited conduct and reporting requirements that can be the basis for disciplinary action against unlicensed practitioners.<sup>4</sup> This approach is also used to regulate tax preparers who do not have to be licensed as accountants. This model has also been discussed recently as a possible approach for regulating certain complementary and alternative medical professions.

In addition there are common law and statutory causes of civil action as well as criminal prohibitions that can sanction or prevent illegal practices. Prosecutors and dissatisfied consumers can use these laws to seek punishment and restitution whether or not occupations are regulated. Consumers can also be protected against incompetent practice through business, industrial, or facility regulation. In fact, Minnesota Statutes Chapter 214 specifies the conditions under which occupational regulation is required and calls for the least restrictive form of regulation to be preferred. Thus, a number of approaches can be considered as alternatives to licensure, certification, or registration in situations where some regulation is needed, but a less restrictive approach will serve. Chapter 3 of this report will examine the issue of how effectively the policies articulated in Chapter 214 are being implemented.

## Regulatory Functions

Occupational regulation consists of several inter-related functions. The statutes establishing regulation must define a scope of practice (the legally defined techniques and activities of a profession or occupation), and specify licensure or other credentialing requirements including education, experience, or examination requirements necessary for entry into the profession or occupation. In many cases national examinations covering a core of required knowledge have been developed over the years by associations of state regulatory boards. State regulatory agencies administer the examinations and establish passing scores.

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<sup>2</sup> These are the predominant national definitions of licensure, certification, and registration, used by the Council of Licensure, Enforcement, and Regulation (CLEAR) and the Pew Health Professions Commission. However, this usage is not generally followed in Minnesota. The term “registration” is often used in Minnesota to mean title protection, for example, and certification is often the term used for practice protection. Chapter 214 defines registration and licensure, but not certification.

<sup>3</sup> Established by *Minn. Stat.* §148B.60

<sup>4</sup> *Minn. Stat.* §148B.68

A second major function of regulatory boards is enforcement of the laws, rules, and professional standards. Licensing boards or state agencies with regulatory responsibility investigate complaints from the public or other professionals and, depending on the outcome of the investigation, may act to suspend or revoke the license to practice or attach conditions to the right to practice. Short of license discipline a corrective action may be ordered. Usually a voluntary agreement between the parties will be reached, avoiding the need for a formal hearing.

Disciplinary proceedings are not designed to be an effective means for providing restitution to the victims of professional misconduct. While restitution is sometimes involved in negotiated agreements between the board and practitioners, occupational regulation protects the public by preventing future problems through education or counseling in minor cases of misconduct, and through limitation, suspension, or revocation of the right to practice in serious cases.

Regulatory boards enforce standards of competence required for entrance into the profession, but are far less effective in guaranteeing continued competence. Some licenses require continuing education credits for renewal, but many students of occupational regulation are skeptical that continuing education requirements actually assure continued competence.<sup>5</sup>

## REGULATED OCCUPATIONS IN MINNESOTA

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**A major function of regulatory boards and agencies is enforcement of laws, rules, and professional standards.**

One of the primary purposes of this study is to assemble and present basic information on regulated occupations in Minnesota, including the number of regulated occupations in Minnesota, the type of regulation (licensure, certification, registration, or other mode) and how many people are licensed or otherwise regulated. To assemble this information, we surveyed occupational licensing boards and state agencies and requested descriptive information on each regulated occupation. We have compiled the data we collected into a separate Directory of Regulated Occupations that can be used as a reference for those with a special interest.<sup>6</sup> For each regulated occupation the Directory presents a brief description of the education, experience, examination, and continuing education requirements required for licensing. In addition, we report data on the number of complaints made against each occupation in recent years and the number of pending investigations. This will be useful to policy makers who wish to get a comparative view of regulated occupations as a whole since information on the requirements of licensure is unavailable from any other recent central source.

Counting each level of licensure within an occupation separately, we calculate that:

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<sup>5</sup> Kara Schmitt and Benjamin Shimberg, *Demystifying Occupational and Professional Regulation: Answers to Questions You May Have Been Afraid to Ask*, (Lexington, KY: Council on Licensure, Enforcement and Regulation, 1996), 49.

<sup>6</sup> The directory is available at <http://auditor.leg.state.mn.us/pe9905.htm>.

- **There are about 188 regulated occupations and professions in Minnesota not counting many separate teachers' licenses.**

This number counts each level within an occupation separately. For example, journeyman plumber and master plumber are counted separately. Some occupations are highly differentiated into multiple levels with separate licenses for each; others, like physicians (while organized into specialties requiring years of training), are governed by a single state license. By our count there are 85 separate occupations and occupational groups that are licensed by the state, if multiple licensing levels within a single occupation are collapsed.

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**There are nearly 200 regulated occupations in Minnesota plus over 100 separate teacher's licenses.**

We treat teachers as a special case, because there are over 100 separate teacher's licenses covering many specialized areas of practice. The large number of licenses reflects, in part, the fine distinctions that are made between similar specialties. For example, there are 27 separate special education teacher licenses. In addition, the number is large because different licensing categories have been used over time, and some discontinued categories are still maintained because there are active teachers licensed within them. While the Minnesota Board of Teaching is currently revising the licensure system in order to consolidate some of the categories, the proposed new system still recognizes about 48 separate licenses.

As the last chapter discussed, the public purpose of occupational regulation is to eliminate or reduce the threat to the health, safety, or well-being of the public that unregulated services would present. Many of the earliest professions to be regulated were the health professions that provide direct care to patients who, arguably, are vulnerable to harm or exploitation because of the complex science behind these services and because of the emotional factors that might cloud a consumer's ability to evaluate health services. Other types of regulated occupations are involved in legal, business, or commercial activities in which the consumer is at risk for economic loss. Other regulated occupations are involved in services aimed at public health or environmental health.

We present several tables describing Minnesota's occupational regulatory system. A series of tables presented below lists the 188 occupations regulated by state government. These are grouped by the licensing board or state agency invested with regulatory authority. In Minnesota, occupations are regulated in various organizational settings including independent health-related licensing boards, independent non-health-related licensing boards, and several state agencies. We will discuss these in turn.

## **HEALTH-RELATED LICENSING BOARDS**

Table 2.1 lists the 14 health-related licensing boards and the health professions they regulate.<sup>7</sup> The health boards are separate state agencies, but they are

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<sup>7</sup> There are other health professions such as occupational therapists and alcohol and drug abuse counselors that are regulated by the Minnesota Department of Health.

**Table 2.1: Occupations Regulated by Health-Related Boards**

	Occupation	Mode*	Number Regulated August 1998
Board of Chiropractic Examiners	Chiropractor	L	1,764
Board of Dentistry	Dental Hygienist	L	3,558
	Registered Dental Assistant	R	5,257
	Dentist	L	3,740
	Resident Dentist	L	74
	Faculty Dentist	L	14
Board of Dietetics and Nutrition Practice	Dietitian	L	877
	Nutritionist	L	78
Board of Examiners for Nursing Home Administrators	Nursing Home Administrator	L	935
Board of Marriage and Family Therapy	Marriage and Family Therapist	L	661
Board of Medical Practice	Acupuncturist	L	83
	Athletic Trainer	C	304
	Physical Therapist	C	2,880
	Physician Assistant	C	398
	Physician	L	14,771
	Respiratory Care Practitioner	C	1,159
Board of Nursing	Licensed Practical Nurse	L	22,388
	Public Health Nurse	C	8,713
	Registered Nurse	L	56,731
Board of Optometry	Optometrist	L	801
Board of Pharmacy	Pharmacist	L	5,254
	Pharmacy Drug Researcher	R	81
	Pharmacy Intern	R	525
Board of Podiatric Medicine	Podiatrist	L	142
Board of Psychology	Licensed Psychological Practitioner	L	33
	Licensed Psychologist	L	3,619
Board of Social Work	Licensed Graduate Social Worker	L	1,046
	Licensed Independent Clinical Social Worker	L	2,635
	Licensed Independent Social Worker	L	899
	Licensed Social Worker	L	5,890
Board of Veterinary Medicine	Veterinarian	L	2,654
Emergency Medical Services Regulatory Board	Emergency Medical Technician, Basic	C	9,000
	Emergency Medical Technician, Intermediate	C	450
	Emergency Medical Technician, Paramedic	C	1,700

\*NOTE: Mode of regulation. L=Licensure, indicating practice protection. C=Certification, indicating title protection. R=Registration, indicating that the state maintains a roster of practitioners. The use of these terms is not necessarily consistent with statutory language.

SOURCE: Program Evaluation Divisions survey.

co-located, and share some administrative services. The health professions regulated by independent boards contain some of the largest regulated occupational groups as well as some small professions. As Table 2.1 shows, as of mid-1998 there were 14,771 physicians, 56,731 registered nurses, and 22,388 licensed practical nurses. At the other end of the range there were 877 dietitians and 142 podiatrists.

Each board has its own practice act and is governed by a board of directors appointed by the Governor. Each board has two or more public members; otherwise, the composition of the board is predominately composed of members of the professions being regulated.<sup>8</sup> Chapter 214 makes it clear that it is state policy for the boards to be primarily composed of members of the regulated occupations.<sup>9</sup>

While the health-related boards are independent agencies, as noted, their offices are all located at the same address, and they jointly operate an administrative services unit that carries out certain administrative functions including personnel, payroll, budgeting, and accounting services. They also collaborate on matters of common concern through several *ad hoc* and standing committees.

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**The health-related boards are located in the same building, and have a jointly operated administrative services unit.**

Provisions of Chapter 214 contemplated that it would be efficient for departments of state government to provide administrative services to the independent boards. For example, the Minnesota Department of Health (MDH) would provide administrative services to the health boards. In the past, the health-related boards were located in MDH offices, and received various support services, but the boards moved away and MDH provides virtually no administrative services. As the previous chapter discussed, centralization of administrative services has been promoted nationally and in Minnesota as a means to improved efficiency for regulatory boards, but over the last ten years or so Minnesota has moved in the opposite direction. In the next chapter we discuss this issue further.

Table 2.2 provides a summary of health board revenues and expenditures for 1998. In general, occupational licensing and regulation is financed through the fees charged to the professionals being regulated. Together, Minnesota Statutes §214.06 and §16.1285 set a policy that boards should set fees at a level that neither significantly over or under recovers the amount spent on regulation. As Table 2.2 shows, 13 licensing boards took in \$11.3 million in fiscal year 1998 and spent \$10.9 million. The table excludes revenues and expenditures for the Emergency Medical Services Regulatory Board which began operations in July 1996. In the aggregate, revenues exceeded expenditures by half a million dollars, but five of the 13 boards have a negative difference for the year. The accumulated ending balance for each board was positive, however, and the aggregate balance was about \$2.4 million.

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<sup>8</sup> With the exception of the Emergency Medical Services Board which has one public member.

<sup>9</sup> *Minn. Stat.* §214.001

**Table 2.2: Health-Related Board Finances (in Thousands), FY1998**

Board	FTE <sup>a</sup>	Direct Expenditures	Indirect Expenditures	Total Expenditures	Occupational Licensure Charges	Total Revenue	Current Differences	Accumulated Ending Balance
Chiropractic Examiners	4.75	\$ 302	\$ 172	\$ 474	\$ 498	\$ 498	\$ 24	\$ 44
Dentistry	7.0	654	275	929	1,173	1,173	244	537
Dietetics and Nutrition Practice Examiners for Nursing Home Administrators	1.0	77	20	97	130	130	33	228
Marriage and Family Therapy	2.0	141	30	171	232	232	61	76
Medical Practice	1.6	93	17	110	100	100	(10)	32
Nursing	23.0	3,431	243	3,674	3,518	3,518	(156)	610
Optometry	29.0	1,603	939	2,542	2,695	2,695	153	472
Pharmacy	1.0	74	16	90	99	99	9	92
Podiatric Medicine	11.0	790	94	884	876	876	(8)	44
Psychology	0.5	33	13	46	42	42	(4)	25
Social Work	7.4	414	262	676	908	914	238	15
Veterinary Medicine	9.75	674	262	936	745	792	(144)	118
Emergency Medical Services Regulatory Board <sup>b</sup>	1.75	173	84	257	301	301	44	87
	16.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total (Health Boards)	115.8	\$8,459	\$2,427	\$10,886	\$11,317	\$11,370	\$484	\$2,380

NOTE: Financial data are in thousands of dollars. Most figures are estimates.

<sup>a</sup>Number of employees in full-time equivalents.

<sup>b</sup>The Emergency Medical Services Regulatory Board became effective July 1, 1996. Financial data are not yet available.

SOURCE: Health Boards' Administrative Services Unit.

The boards are not directly financed by revenue from licensing or examination fees. They are financed through a biennial appropriation which is based on historic and projected fee revenue. In addition, appropriations are made to the Office of the Attorney General for legal and investigative services for the boards. Each board is billed for services rendered. These amounts are included in the board expenditure amounts presented in Table 2.2 along with all other indirect costs. Indirect costs include the contributions boards made to the Administrative Services Unit, and two programs established by Chapter 214, the HIV and HBV Prevention Program and the Health Professionals Services Program. The HIV/HBV Prevention Program administers mandatory reporting and monitoring requirements for certain regulated professionals infected with the human immunodeficiency virus (HIV) or the hepatitis B virus (HBV). The Health Professional Services Program provides confidential services to health professionals with a chemical dependency or certain other impairments. Nine boards participate in this program.

The first column of Table 2.2 shows the full time staff employed by each board. The number of employees varies from 29 for the Board of Nursing to one for the

boards of Optometry and Dietetics and Nutrition Practice, and one-half a position for the Board of Podiatry.<sup>10</sup> Altogether, there are 115.8 employees in 14 health-related boards, 4.5 positions in the Administrative Services Unit jointly operated by the boards, and 5 positions in the Health Professionals Services Program conducted on behalf of 9 participating boards.

## NON-HEALTH-RELATED BOARDS

There are 12 independent non-health-related licensing boards that regulate 52 professions and occupations.<sup>11</sup> These are shown in Table 2.3 along with information on the type of regulation and the number licensed or otherwise regulated as of mid-1998. The Board of Teaching licenses almost 112,000 teachers and other licensed school professionals such as social workers and counselors. In addition, the State Board of Education licenses 5,870 school district administrators. The state licenses about 15,000 peace officers through the Peace Officer Standards and Training Board. The Board of Law Examiners and the Lawyers Professional Responsibility Board licenses and regulates 21,476 lawyers.

Some non-health boards license small occupational groups. The Board of Assessors licenses less than 1,000 assessors, the Private Detectives and Protective Agents' Services Board licenses 240 detectives and 60 protective agents, and the Board of Boxing licenses 208 boxing and karate participants and officials.

Table 2.4 shows how the boards are appointed, the size of the boards, and the number of public members. The two boards regulating attorneys are appointed by the Supreme Court. The Board of Assessors is appointed by the Commissioner of Revenue, the Private Detectives Board is appointed by the Commissioner of Public Safety, and the remaining boards are appointed by the Governor. All the boards have at least some public members with the exception of the State Board of Education which is not primarily a regulatory or licensing board.

Table 2.5 presents a summary of fee revenues and expenditures for 9 non-health boards for 1998. The Board of Electricity, the Board of Teaching and the State Board of Education are excluded.<sup>12</sup> In total, about \$5.7 million in revenue was received in fiscal year 1998 compared to \$4.7 million in expenditures. In the aggregate, the boards took in more than they spent, so they ended fiscal year 1998 with a positive balance of \$1 million. The accumulated balance of the boards is

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**Twelve non-health-related boards regulate 52 occupations and professions.**

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<sup>10</sup> These two boards actually share an executive director and clerical worker.

<sup>11</sup> The category "Non-health-related licensing board" appears in *Minn. Stat.* §214.01. These boards are subject to some of the same Ch. 214 requirements as the health-related boards.

<sup>12</sup> The Departmental Earnings Report published by the Department of Finance does not separately present data for the boards of teaching and education. Their fee revenues and expenditures are combined with the Department of Children Families and Learning. The Board of Electricity is excluded because most of its financial activity relates to electrical inspections rather than occupational regulation.

**Table 2.3: Occupations Regulated by Non-Health-Related Boards**

	Occupation	Mode*	Number Regulated August 1998
Board of Accountancy	Certified Public Accountant	L	6,115
	Certified Public Accountant (Inactive)	C	4,634
	Licensed Public Accountant	L	363
Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design	Architect	L	3,396
	Certified Interior Designer	C	1,148
	Professional Engineer	L	10,250
	Engineer in Training	C	7,800
	Professional Geologist	L	140
	Geologist in Training	C	3
	Land Surveyor	L	478
	Land Surveyor in Training	C	100
	Landscape Architect	L	342
	Professional Soil Scientist	L	26
	Soil Scientist in Training	C	1
Board of Assessors	Accredited Minnesota Assessor	L	53
	Certified Minnesota Assessor	L	754
	Certified Minnesota Assessor Specialist	L	119
	Senior Accredited Minnesota Assessor	L	244
Board of Barber Examiners	Apprentice Barber	L	146
	Barber Instructor	L	12
	Registered Barber	L	2,667
Board of Boxing	Amateur Boxing Referee	L	24
	Amateur Boxing Second/Coach	L	42
	Amateur Karate Referee	L	0
	Amateur Karate Second/Coach	L	6
	Professional Boxer	L	49
	Professional Boxing Manager	L	1
	Professional Boxing Referee	L	5
	Professional Boxing Second/Coach	L	70
	Professional Karate Contestant	L	6
	Professional Karate Referee	L	1
Professional Karate Second/Coach	L	4	
Board of Education	School Administrator/Supervisory Personnel	L	5,870
Board of Electricity	Class A Electrical Installer	L	4
	Class A Journeyman Electrician	L	8,741
	Class A Master Electrician	L	5,301
	Class B Electrical Installer	L	15
	Lineman	L	118
	Maintenance Electrician	L	477
	Elevator Constructor	L	327
	Master Elevator Constructor	L	54
Board of Law Examiners / Lawyer's Professional Responsibility Board	Attorney	L	21,476
Board of Teaching	Educational Speech/Language Pathologist	L	2,696
	School Counselors, Elementary	L	2,683
	School Nurse	L	674
	School Psychologist	L	836
	School Social Worker	L	1,156
	Teacher	L	111,995
Peace Officers Standards and Training Board	Part Time Peace Officer	L	1,547
	Peace Officer	L	13,759
Private Detectives and Protective Agent Services Board	Private Detective	L	240
	Protective Agent	L	60

\*NOTE: Mode of regulation. L=Licensure, indicating practice protection. C=Certification, indicating title protection. The use of these terms is not necessarily consistent with statutory language.

SOURCE: Program Evaluation Division survey.

**Table 2.4: Non-Health-Related Board Composition**

	Appointing Authority	Number of Positions on Board	Number of Public Members
Board of Accountancy	Governor	9	2
Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design	Governor	21	5
Board of Assessors	Commissioner of Revenue	9	3
Board of Barber Examiners	Governor	4	1
Board of Boxing	Governor	7	2
Board of Education	Governor	9	0
Board of Electricity	Governor	11	2
Board of Law Examiners	Minnesota Supreme Court	9	2
Board of Teaching	Governor	11	3
Lawyer's Professional Responsibility Board	Minnesota Supreme Court	23	9
Peace Officers Standards and Training Board	Governor	15	2
Private Detectives and Protective Agent Services Board	Commissioner of Public Safety	5	2

SOURCE: Program Evaluation Division survey.

**Table 2.5: Non-Health-Related Board Finances (in Thousands), FY1998**

Board	FTE <sup>a</sup>	Total Expenditures	Occupational Licensure Charges	Other Revenue	Total Revenue	Current Differences	Accumulated Ending Balance
Accountancy	5.0	\$ 657	\$ 390	\$ 237	\$ 627	\$ (30)	\$ (13)
Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design	8.5	801	875	138	1,013	212	380
Assessors	1.0	45	45	0	45	0	0
Barber Examiners	2.0	139	129	3	132	(7)	(2)
Boxing	1.5	91	3	0	3	(88)	(256)
Law Examiners	7.1	746	860	936	1,796	1,051	1,051
Lawyer's Professional Responsibility Board	22.0	1,698	1,822	94	1,916	218	873
Peace Officers Standards and Training Board	6.0	405	56	41	97	(308)	(835)
Private Detectives and Protective Agent Services	1.0	138	102	(6)	96	(42)	(93)
Total (Non-Health Boards)	54.1	\$4,720	\$4,282	\$1,443	\$5,725	\$1,006	\$1,105

NOTE: Financial data are in thousands of dollars. Figures are estimates.

NOTE: Financial data for the boards of Education and Teaching are not included because their budgets are integrated with the agency budget for the Department of Children, Families & Learning. Data for the Board of Electricity are not included because most of this board's financial activity relates to electrical inspection. The board reported \$810 thousand in occupational licensure charges in FY1998.

<sup>a</sup>Number of employees in full-time equivalents.

SOURCE: Minnesota Department of Finance, 1998-99 Departmental Earnings Report.

\$1.1 million, but the Board of Boxing and the Peace Officers Standards and Training Board each have sizable negative balances<sup>13</sup>

The first column of Table 2.5 shows the full time equivalent (FTE) staff positions for each board. The smallest boards are staffed with one position. The boards generally receive certain administrative services from larger state agencies. The Department of Public Safety provides administrative support for the Peace Officers Standards and Training (POST) Board and the Private Detectives Board. The latter board is housed in the Department of Public Safety. The Department of Revenue houses the Board of Assessors and provides services. The Department of Administration, provides services to the Board of Electricity; the Department of Children, Families & Learning houses and provides services to the Board of Teaching and the State Board of Education; and the Department of Commerce provides services to the boards of Accountancy, Architecture, Barbers, and Boxing. The boards pay indirect costs for these services (included in the totals presented in Table 2.5) based on past and projected expenditures.

## OCCUPATIONS REGULATED BY STATE DEPARTMENTS

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**The Minnesota departments of Health and Commerce are the state agencies with the broadest responsibility for occupational regulation.**

Seven state departments (not counting the Supreme Court) regulate occupations. In some cases an advisory board is involved in the process, but it is the department that holds regulatory authority. The Minnesota Department of Health (MDH) and the Department of Commerce have the broadest responsibility for occupational regulation. There are five additional departments with some occupational regulatory responsibilities.

### Minnesota Department of Health

The Department of Health regulates various professions and occupations, including some that provide clinical services to patients such as occupational therapists, audiologists, and alcohol and drug counselors and some that provide services that relate to public health such as environmental health specialists or asbestos abatement workers. Table 2.6 lists the occupations regulated by MDH. Those that deal with clinical services are organized in the Division of Health Policy and Systems Compliance. Those that relate to public or environmental health are in the Division of Environmental Health. Table 2.6 shows the number licensed or otherwise regulated as of mid-1998.

### Department of Commerce

The Department of Commerce has several types of regulatory programs. Table 2.7 shows the occupations licensed by the department. In mid-1998 the

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<sup>13</sup> As noted earlier, the boards are expected to set fees so they recover their costs. The Board of Boxing has a statutory exemption from this requirement because it is too small to be self sufficient.

**Table 2.6: Occupations Regulated by the Department of Health**

	Occupation	Mode*	Number Regulated August 1998
Division of Health Policy and Systems Compliance	Alcohol and Drug Counselor	L	65
	Audiologist	C	240
	Hearing Instrument Dispenser	L	300
	Mortuary Science Professional	L	1,650
	Occupational Therapist	C	1,862
	Occupational Therapist Assistant	C	809
	Speech Language Pathologist	C	763
	Unlicensed Mental Health Practitioner	O	NA
Division of Environmental Health	Asbestos Inspector	L	479
	Asbestos Management Planner	L	151
	Asbestos Project Designer	L	116
	Asbestos Site Supervisor	L	935
	Asbestos Worker	L	716
	Environmental Health Specialist/Sanitarian	L	327
	Lead Contractor/Supervisor	L	200
	Lead Inspector	L	89
	Lead Training Course Provider	O	6
	Lead Worker	L	28
	Plumber's Apprentice	R	1,019
	Journeyman Plumber	L	2,646
	Master Plumber	L	2,493
	Water Conditioning Contractor	L	177
	Water Conditioning Installer	L	186
	Water Supply Systems Operator	C	2,450
X-ray Operator	R	2,200	

\*NOTE: Mode of regulation. L=Licensure, indicating practice protection. C=Certification, indicating title protection. R=Registration, indicating that the state maintains a roster of practitioners. O=Other, indicating an alternate form of regulation. The use of these terms is not necessarily consistent with statutory language.

SOURCE: Program Evaluation Division survey.

department licensed over 96,000 notaries, over 49,000 insurance agents, over 20,000 cosmetologists, over 20,000 real estate brokers and agents, as well as a number of smaller occupations. In addition to occupational regulation the department regulates businesses and financial and insurance products. The department views occupational, industrial, and product regulation as three strategies to accomplish the objective of protecting the public. In fact, some of its occupational regulatory program is integrated with these other regulatory responsibilities making it difficult to sort out how much staff and money is devoted to occupational regulation.

## Occupations Regulated by Other State Departments

Five other state departments are responsible for licensing or otherwise regulating various occupations: Administration, Agriculture, Labor and Industry, Public Safety, and the Pollution Control Agency. These are shown in Table 2.8. As we noted earlier additional information on each of the regulated occupations is provided in the Directory of Regulated Occupations that we are publishing separately.

**Table 2.7: Occupations Regulated by the Department of Commerce**

	<u>Mode*</u>	<u>Number Regulated August 1998</u>
Abstractor	L	361
Certified General Property Appraiser	L	871
Certified Real Property Appraiser	L	740
Licensed Real Property Appraiser	L	57
Registered Real Property Appraiser	L	692
Crop Hail Adjuster	L	219
Independent Adjuster	L	949
Public Adjuster	L	33
Public Adjuster Solicitor	L	4
Insurance Agent	L	49,550
Notary Publics	L	96,323
Real Estate Broker	L	6,074
Real Estate Limited Broker	L	1,659
Real Estate Closer	L	39
Real Estate Salesperson	L	14,156
Cosmetologist	L	9,441
Cosmetology Instructor	L	331
Cosmetology Manager	L	12,834
Esthetician	L	469
Manicurist	L	1,619

\*NOTE: Mode of regulation. L=Licensure, indicating practice protection. The use of this term is not necessarily consistent with statutory language.

SOURCE: Program Evaluation Division survey.

## Financing Occupational Regulation in State Departments

**Roughly \$42 million was collected in occupational licensing charges in 1998.**

The independent licensing boards discussed earlier in this chapter are independent agencies dedicated to occupational regulation in one form or another. They collect fees for licensure, examinations, and other user services and spend money for the operating and administrative expenses connected with their regulation and enforcement activities. Earlier we reported on their revenues and expenditures. It is more difficult to provide a clear picture of the costs of occupational regulation in state agencies because the regulatory programs do not formally account for all the administrative services they receive from the department of which they are a part, and because their occupational regulatory activities are often integrated with business regulation or product regulation responsibilities.

In addition, fee income is classified differently for different departments in the Departmental Earnings Report which the Department of Finance issues every two years. Departments do not report how licensure fees are spent; they report only

**Table 2.8: Occupations Regulated by Other Departments**

	Occupation	Mode*	Number Regulated August 1998
Department of Administration			
Building Codes and Standards Division	Accessibility Specialist	L	38
	Certified Building Official	L	598
	Certified Building Official, Class 1	C	36
	Certified Building Official, Limited	L	110
	Grandfathered Building Official	L	5
Department of Agriculture			
Agronomy and Plant Protection Services Division	Journeyman Structural Pesticide Applicator	L	343
	Master Structural Pesticide Applicator	L	97
	Pesticide Applicator, Non-Commercial	L	2,853
	Pesticide Applicator, Commercial	L	4,923
	Pesticide Applicator, Private	L	25,276
	Journeyman Aquatic Pest Controller	L	21
	Master Aquatic Pest Controller	L	33
	Tree Inspector	C	811
Agriculture Marketing and Development	Weather Modifier	L	0
Dairy and Food Inspection Division	Babcock Milk Hauler	L	4
	Bulk Hauler Milk Tester	L	1,164
Laboratory Services	Certified Industry Supervisor (Dairy Inspection)	C	164
	Certified Lab Analyst (Dairy Inspection)	C	89
Department of Labor and Industry			
Code Administration and Inspection Services	1st Class Boiler Engineer, Grade A	L	1,674
	1st Class Boiler Engineer, Grade B	L	1,294
	1st Class Boiler Engineer, Grade C	L	3,259
	2nd Class Boiler Engineer, Grade A	L	1,323
	2nd Class Boiler Engineer, Grade B	L	2,037
	2nd Boiler Engineer, Grade C	L	3,259
	Chief Boiler Engineer, Grade A	L	1,984
	Chief Boiler Engineer, Grade B	L	864
	Chief Boiler Engineer, Grade C	L	2,082
	Special Boiler Engineer	L	15,255
	Boat Pilot	L	473
	Apprentice Steamfitter	R	NA
	Contractor Steamfitter	L	306
	Journeyman Steamfitter	L	2,191
Labor Standards Division	Employment Counselor	L	24
	Employment Manager	L	30
Rehabilitation and Medical Affairs Section	Qualified Rehabilitation Consultant Intern	R	56
	Qualified Rehabilitation Consultant	R	345
Pollution Control Agency			
Ground Water and Solid Waste	Demolition or Industrial Waste Landfill Inspector	L	5
	Demolition or Industrial Waste Landfill Operator	L	710
	Municipal Solid Waste Landfill Operator	L	220
	Municipal Solid Waste Landfill Inspector	L	85
Hazardous Waste Division	Underground Storage Tank Supervisor	L	517
Water Quality Division	Individual Sewage Treatment System, Designer II	L	558
	Individual Sewage Treatment System, Inspector	L	24
	Individual Sewage Treatment System, Installers	L	1,243
	Individual Sewage Treatment System, Pumper	L	354
	Waste Disposal Inspector	C	25
	Waste Disposal Operator	C	530
	Waste Water Facility Operator	C	2,350

**Table 2.8: Occupations Regulated by Other Departments, Continued**

	Occupation	Mode*	Number Regulated August 1998
Department of Public Safety Division of Driver and Vehicle Services	Commercial Driver Training Instructor, Auto	L	102
	Commercial Driver Training Instructor, Motorcycle	L	372
	Commercial Vehicle Operator	L	169,696
Fire Marshall Division	Journeyman Sprinkler Fitter	C	480
	Journeyman Sprinkler Fitter, Conditional	C	0
	Journeyman Sprinkler Fitter, Limited	C	50
	Design Contractor	L	4
	Managing Employee Certification	C	65
	Fireworks Operator	L	344

\*NOTE: Mode of regulation. L=Licensure, indicating practice protection. C=Certification, indicating title protection. R=Registration, indicating that the state maintains a roster of practitioners. The use of these terms is not necessarily consistent with statutory language.

SOURCE: Program Evaluation Division survey.

the total direct and indirect expenditures of their fee income including fees relating to business regulation and, in some cases, user fees. Some departments such as Administration and the Pollution Control Agency did not report any revenue from licensure charges in 1998 even though they regulate some occupations. Other departments such as Children, Families & Learning did not report any user fees. Because of variation in the way departments account for occupational regulatory fees, we do not present any detailed information on occupational regulatory costs in state departments.

However, as a broad indicator, it is useful to note that statewide, \$41.3 million is identified as occupational licensing charges in 1997 and \$42.0 million in 1998 in the Departmental Earnings Report published by the Department of Finance. This total is for all state agencies including the independent boards.

## ROLE OF THE ATTORNEY GENERAL

The Office of the Attorney General provides some special services to the independent regulatory boards in addition to the legal services it provides to all state agencies. Chapter 214 specifies a role for the Attorney General in the investigation of complaints against licensed professionals, because of concern that the public interest would not otherwise be adequately represented in an investigative process conducted by boards whose membership is largely composed of the members of the professions being regulated. In addition, public accountability is impeded by the fact that investigations are highly confidential under Minnesota's data privacy laws.<sup>14</sup> In its investigative role, the Attorney General functions as an independent investigator, but it can subsequently represent

<sup>14</sup> Minn. Stat. §214.1

the board in a contested case hearing if a voluntary settlement cannot be negotiated.

Chapter 214 imposes some special requirements on the health-related boards. The Attorney General's Office has a Licensing Investigations Division with expertise in the health professions to which the boards refer serious charges. The Attorney General's Office must be involved in complaints that lead to licensing discipline. And cases of sexual misconduct and chemical dependency must also be referred to the Attorney General for investigation. About 10 to 15 percent of complaints made to the health boards are referred to the AGO for investigation and all cases involving license discipline are reviewed by the Attorney General's legal staff assigned to each board. Chapter 3 examines the status of complaint investigation at the Attorney General's Office in additional detail.

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**Minnesota regulates more occupations than all but 12 states.**

## COMPARISON WITH OTHER STATES

We sought to learn which occupations are regulated in most states and which occupations regulated in Minnesota are regulated in few other states. We found:

- **According to the available national data, Minnesota regulates somewhat more occupations and professions than most other states.**

Figure 2.1 compares the occupations regulated in each state. According to data tabulated from a directory of occupational regulation published by the Council on Licensing, Enforcement, and Regulation (CLEAR), Minnesota ranks 13th highest among the 50 states in the number of occupations regulated.<sup>15</sup> According to the CLEAR directory, Minnesota licenses 99 occupations, certifies 11 and registers 32 for a total of 142 regulated occupations. The national average is 96.5 licensed, 5.7 certified, 21.4 registered for a total of 124 regulated occupations.<sup>16</sup>

Analysis of the CLEAR data also shows that some occupations are regulated in virtually every state. Table 2.9 shows the 40 most commonly regulated occupations. Among the occupations and professions licensed in every state are attorneys, dentists, nurses, physicians, and veterinarians. Cosmetologists and barbers are also licensed in nearly all states.

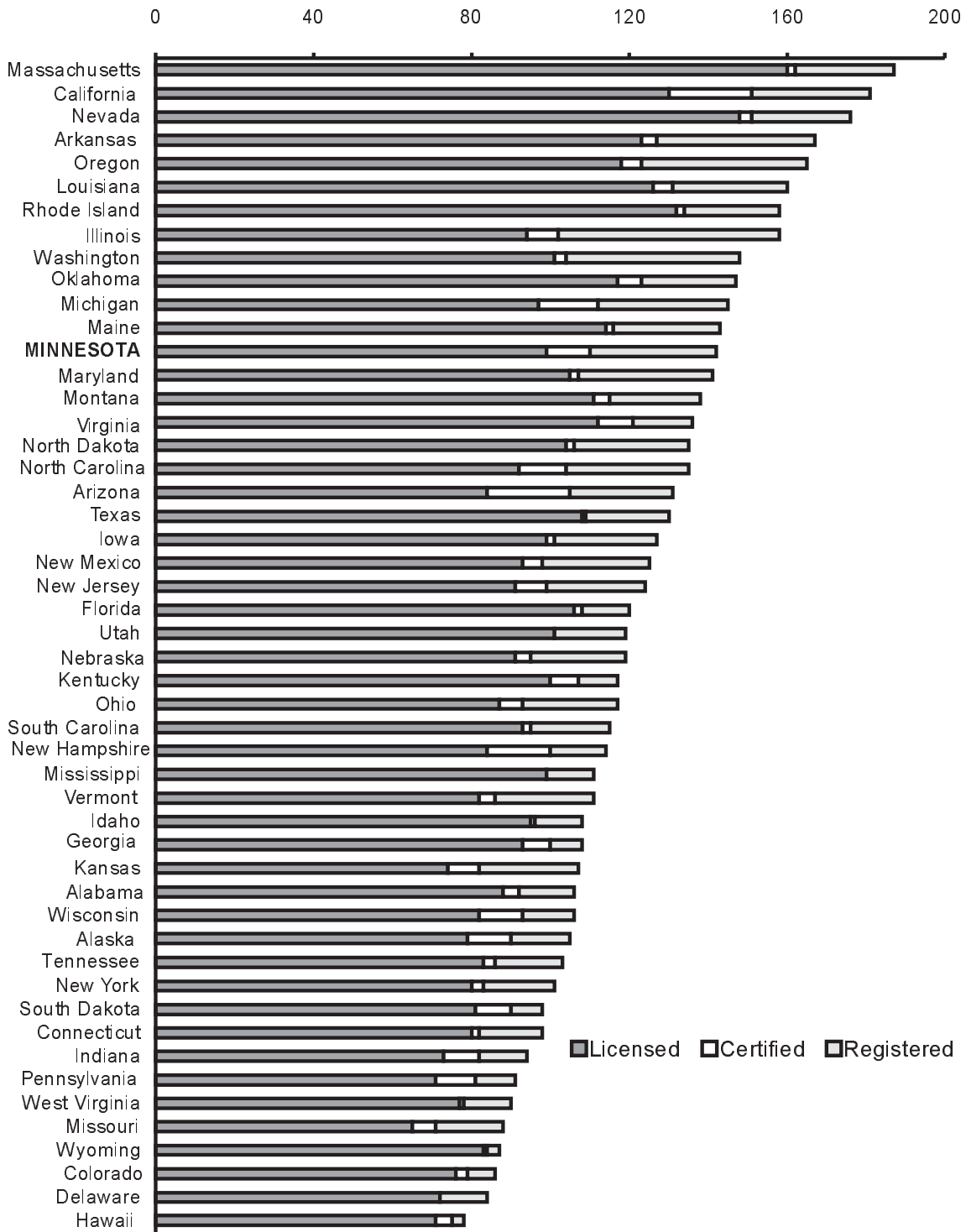
We also sought to learn which occupations are regulated in Minnesota but relatively few other states. Table 2.10 shows some of these. Because of variations in names of occupations and professions across the states, it is difficult to be sure this table is completely accurate, but there appear to be at least a dozen or more occupations licensed by Minnesota state government that are not licensed

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<sup>15</sup> Lise Smith-Peters, ed., *The Directory of Professional and Occupational Regulation in the United States*, (Lexington, KY: The Council on Licensure, Enforcement and Regulation, 1994).

<sup>16</sup> The number of regulated occupations in Minnesota from the CLEAR study does not correspond exactly with the number we have calculated for mid-1998, however most of the discrepancies are due to the fact that somewhat different definitions were used in the two studies and because the studies were carried out five years apart.

**Figure 2.1: Number of Regulated Occupations by State**



SOURCE: Data compiled from Lise Smith-Peters, ed., *The Directory of Occupational Regulation in the United States* (Lexington, KY: The Council on Licensure, Enforcement and Regulation, 1994).

**Table 2.9: The Most Commonly Regulated Occupations**

	Mode*	Number of States Regulating			Total
		License	Certify	Register	
Architect	L	50	0	0	50
Attorney	L	50	0	0	50
Chiropractor	L	50	0	0	50
Dentist	L	50	0	0	50
Insurance Agent	L	50	0	0	50
Nurse, Registered	L	50	0	0	50
Optometrist	L	50	0	0	50
Osteopath	L	50	0	0	50
Paramedic	L	50	0	0	50
Pharmacist	L	50	0	0	50
Physician	L	50	0	0	50
Podiatrist	L	50	0	0	50
Real Estate Broker	L	50	0	0	50
Real Estate Sales Person	L	50	0	0	50
Veterinarian	L	50	0	0	50
Cosmetologist	L	49	0	1	50
Dental Hygienist	L	49	0	1	50
Land Surveyor	L	49	1	0	50
Physical Therapist	C	48	2	0	50
Psychologist	L	47	2	1	50
Nurse, Licensed Practical	L	49	0	0	49
Accountant, Certified Public	C	42	6	1	49
Physician Assistant	C	37	11	1	49
Nursing Home Administrator	L	48	0	0	48
School Teacher, Elementary	L	48	0	0	48
School Teacher, Secondary	L	48	0	0	48
Barber	L	47	0	1	48
Funeral Director	L	46	0	0	46
Emergency Medical Technician	L	45	0	0	45
Hearing Aid Dealer/Fitter	L	45	0	0	45
Cosmetology: Manicurist	L	43	0	0	43
Landscape Architect	L	34	8	1	43
Audiologist	C	41	1	0	42
Engineer, Professional	L	41	0	0	41
School Teacher, Special Education	L	41	0	0	41
Speech Pathologist	C	40	1	0	41
Occupational Therapist	C	36	4	0	40
School Teacher, Vocational	L	36	2	0	38
Wastewater Treatment Operator	L	21	17	0	38
Pesticide Applicator	L	36	1	0	37

\*NOTE: Mode of regulation in Minnesota. L=Licensure, indicating practice protection. C=Certification, indicating title protection. The use of these terms is not necessarily consistent with statutory language.

SOURCE: Data compiled from Lise Smith-Peters, ed., *The Directory of Professional and Occupational Regulation in the United States* (Lexington, KY: The Council on Licensure, Enforcement and Regulations, 1994).

**Some occupations are regulated in all or nearly all states.**

**Table 2.10: Occupations Regulated by Few States Other Than Minnesota**

	Number of States Regulating
Aquatic Pest Controller, Journeyman*	1
Aquatic Pest Controller, Master*	1
Elevator Constructor	1
Nurse, Public Health	1
Psychologist, Consulting	1
Waste Disposal Inspector	1
Waste Disposal Operator	1
Weather Modifier*	1
Contractor, Lead Abatement <sup>a</sup>	2
Contractor, Pipefitter	2
Electrician, lineman	2
Electrician, Specialty	2
Lead Abatement Training Provider <sup>a</sup>	2
Rehabilitation Counselor	2
Soil Scientist	2
Soil Scientist in Training	2
Water Conditioning Installer	2
Boiler Engineer	3
Lead Abatement Worker <sup>a</sup>	3
Pipefitter, Journeyman	3
Assessor	5
Public Appraiser/Adjuster	5
Water Conditioning Contractor	5
Respiratory Care Technician	5
Septic Tank Pumper	5
Abstractor	6
School Social Worker	6
Building Code Official	7
Fireworks Handler	7
Nutritionist	7
Arborist/Tree Inspector	8

**Some occupations regulated in Minnesota are regulated in only a few other states.**

NOTE: "Regulation" includes licensure, certification, and registration.

<sup>a</sup>Environmental Protection Agency requirements have resulted in increased numbers of states regulating lead abatement workers. According to the Minnesota Department of Health, 15 states currently regulate lead abatement workers.

SOURCE: Data compiled from Lise Smith-Peters, ed., *The Directory of Professional and Occupational Regulation in the United States* (Lexington, KY: The Council on Licensure, Enforcement and Regulations, 1994). Except starred (\*) occupations, which are not in the directory but are regulated in Minnesota.

by more than six other states. Some of these may be licensed by local government in other states. Nevertheless, the fact that most other states do not license various occupations may suggest a need to re-examine the utility of licensing the occupations in Minnesota.

## Case Studies

To learn more about how occupational regulation is handled in other states we selected a group of states that illustrate a variety of organizational models for further study. These are listed in Figure 2.2. Our research suggests that the issues currently facing Minnesota are very similar to the issues facing other states. Furthermore, while occupational regulation is organized and implemented differently in other states, the states we studied still struggle with the same kinds of problems we observe in Minnesota (and discuss in the next chapter). We present a summary of the case studies in Appendix A. Many of the ideas for reform that have been discussed in Minnesota have been tried elsewhere.

**Figure 2.2: Case Studies of Other States**

	Organizational feature of interest
Arizona	<ul style="list-style-type: none"> <li>- Comprehensive sunset provision</li> <li>- Sunrise provision for health-related occupations</li> </ul>
Florida	<ul style="list-style-type: none"> <li>- Recent reorganization of occupational regulation</li> <li>- Enactment of sunrise legislation</li> <li>- Privatization of Board of Professional Engineers' staff</li> </ul>
Maine	<ul style="list-style-type: none"> <li>- Regulatory centralization</li> <li>- Recent revisions to strengthen sunrise provision</li> </ul>
Oregon	<ul style="list-style-type: none"> <li>- Recent history of reform and counter-reform</li> </ul>
Texas	<ul style="list-style-type: none"> <li>- Health Professions Council</li> <li>- Sunset provision</li> </ul>
Virginia	<ul style="list-style-type: none"> <li>- Regulatory centralization</li> <li>- Board of Health Professions</li> </ul>
Washington	<ul style="list-style-type: none"> <li>- Sunrise provision for health professions</li> <li>- Uniform Disciplinary Act for health professions</li> <li>- Centralization of health-related boards</li> </ul>
Wisconsin	<ul style="list-style-type: none"> <li>- Regulatory centralization under the Department of Regulation and Licensing</li> </ul>

## MINNESOTA'S OCCUPATIONAL REGULATORY AGENDA

In addition to describing our current system of occupational regulation, we sought to learn what types of proposals for occupational regulation have been brought

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**We studied several proposals for new regulation or changes in occupational regulation in order to understand the process by which such proposals are considered in the Legislature.**

before the legislature in recent years. In order to identify the issues we searched topical indexes of bills in the House and Senate as well as the Revisor's system.<sup>17</sup>

This process, while not a fool-proof method of identifying all important issues, yielded a list of 38 bills (not counting companion bills) relating to 44 proposals for new regulation or changes to existing regulation. All in all, we think the list is reasonably representative of the regulatory proposals that have been introduced as bills in recent years. This list is presented in Figure 2.3. These bills propose regulatory changes affecting various occupations. Some seek new regulation, for example, licensing of naturopathic physicians. Some propose a change in the level of regulation, for example, licensure instead of registration of dental assistants and physical therapists. Some propose to increase entry requirements, for example requiring a fifth year of higher education in order to become a certified public accountant. Some proposals sought to extend the scope of practice, for example to allow physician assistants the right to render emergency care without a supervising physician. Some proposals changed continuing education requirements. Only one proposal proposed a fundamental reduction in state occupational regulation: there was a proposal to abolish the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Some proposals to change occupational regulation in Minnesota are a reflection of changes in federal requirements, other states' requirements, and the pattern of local government regulation.

We selected 13 of the issues for more detailed study. These are listed in Figure 2.4. We selected a set of proposals that was deliberately varied, including some bills that received a hearing and some that did not; some of the proposals were enacted into law, others had been around for a few years without success. We chose a mix of occupations including clinical health occupations, public health occupations, and non-health professions and occupations. We listened to any available tapes of the legislative committee deliberations on the bills. We talked to some of the legislators involved, and relevant agency and licensing board staff, professional association representatives, lobbyists, and others.

A brief description of each of the case studies is provided in Appendix B. These case studies provided some of the information we use in the next chapter to reach conclusions about the effectiveness of our system of occupational regulation including the effectiveness of the process by which agencies and the legislature decide whether regulation is needed.

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<sup>17</sup> Specifically, we reviewed the House of Representatives Topical Index of bills for 1997 and looked under topics that related to regulation. We noted which bills looked like occupational regulation proposals from the short description provided not including minor housekeeping bills. We then cross referenced the list with the Senate Topical Index of bills for 1997. Next, we searched the Revisor's system and used the 1997 topic headings to search for 1998 bills. Finally, we edited out bills not having to do with the subject and added bills identified from other sources.

**Figure 2.3: Recent Legislative Proposals**

	Year	House File	Senate File	Bill Focus
Accountants	1997	301	239	Increasing entry requirements
	1998	2308	2014	Granting more discipline power to board
Asbestos Workers	1997	--	937	New regulation
Board of Architects, etc.	1998	2827	--	Abolishing the board
Commercial Waste Technicians	1998	2799	3353	New regulation
Dental Assistants	1998	--	3408	Increasing level of regulation to licensure
Emergency Medical Technicians	1997	257	510	Registering first responders
Hearing Instrument Dispensers	1997	2086	--	Increasing scope of practice
Heating and Ventilating Installers	1997	1533	1251	New regulation
Individual Sewage Treatment System Professionals	1997	--	1730	Exempting professional engineers from regulation requirements
Industrial Hygienists	1997	668	668	New regulation
Insurance Agents	1997	740	349	Increasing categories of regulation Increasing entry requirements Specifying continuing education requirements
Interpreter-Transliterators	1997	1297	1164	New regulation
Lead Workers	1998	2334	2108	Changing requirements to meet federal standards
Massage & Oriental Bodywork Therapists	1997	1135	1011	New regulation
Mortuary Science Professionals	1997	367	199	Updating entry requirements
Naturopathic Doctors	1997	780	561	New regulation
	1997	396	523	New regulation
Nurse Anesthetists	1997	1238	131	Establishing title protection
Nurses	1997	1117	898	Increasing scope of practice
Opticians	1997	886	851	New regulation
Physical Therapists	1997	885	301	Establishing independent board
Physician Assistants	1997	491	352	Increasing scope of practice
	1997	490	639	Creating advisory council
Plumbers	1997	1795	1597	Regulating in all cities
Private Detectives and Protective Agents	1998	2533	2199	Granting more discipline power to board New regulation for bail bondsmen and bounty hunters
Psychologists	1997	861	662	Reducing internship requirements
Real Estate Appraisers	1997	1032	501	Specifying continuing education requirements Decreasing experience requirements
Respiratory Care Providers	1997	1702	741	Writing statutes rather than rules
Sign Contractors	1997	1115	975	New regulation
Social Workers	1997	864	457	Background checks on applicants
	1998	3639	--	Clarifying education requirements
	1998	2762	2102	Changing experience requirements
Speech Language Pathologists	1997	826	835	Exemptions of hearing instrument dispenser requirements
Unlicensed Mental Health Practitioners	1997	669	927	Licensing "professional counselors"
	1995	66	891	Licensing "professional counselors"
Vertical Heat Contractors	1997	1534	1332	New regulation
Water Conditioning Professionals	1998	3244	2857	Mandating continuing education for contractors Regulating contractors in all cities Changing supervision requirements for installers

SOURCE: Office of the Revisor of Statutes.

**Figure 2.4: Legislative Issue Case Studies**

	Year	House File	Senate File	Outcome	Bill Focus
Accountants	1997	301	239	Did not pass	Increasing entry requirements
	1998	2308	2014	Passed	Granting more discipline power to board
Board of Architects, etc.	1998	2827	--	Did not pass	Abolishing the board
Dental Assistants	1998	--	3408	Did not pass	Increasing level of regulation to licensure
Lead Workers	1998	2334	2108	Passed	Changing requirements to meet federal standards
Mortuary Science Professionals	1997	367	199	Passed	Updating entry requirements
Naturopathic Doctors	1997	780	561	Did not pass	New regulation
	1997	396	523*	Did not pass*	New regulation*
	1997	1238	131	Did not pass	Establishing title protection for nurse anesthetists
Nurse	1997	1238	131	Did not pass	Establishing title protection for nurse anesthetists
Opticians	1997	886	851	Did not pass	New regulation
Physical Therapists	1997	885	301	Did not pass	Establishing independent board
Plumbers and Water Conditioning Professionals	1997	1795	1597	Did not pass	Regulating plumbers in all cities
	1998	3244	2857	Did not pass	Mandating continuing education for water conditioning contractors
					Regulating water conditioning contractors in all cities
Private Detectives and Protective Agents	1998	2533	2199	Did not pass	Changing supervision requirements for water conditioning installers
Real Estate Appraisers	1997	1032	501	Passed	Granting more discipline power to board
					New regulation for bail bondsmen and bounty hunters
Unlicensed Mental Health Practitioners	1997	669	927	Did not pass	Specifying continuing education requirements
					Decreasing experience requirements
					Licensing "professional counselors"

\*S.F. 523 eventually became a proposal for a study of complementary and alternative medicine. This study was passed as an amendment to the 1997 omnibus health and human services appropriations bill (S.F. 1908).

SOURCE: Office of the Revisor of Statutes.

## SUMMARY

Minnesota regulates more occupations than most other states and has a complex, multifaceted organizational structure for regulating occupations composed of free-standing independent boards whose members are appointed by the Governor, other boards whose members are appointed by department heads, and occupations that are regulated by various state agencies.

The Minnesota Legislature has seen a proliferation of proposals for occupational regulation in recent years that has challenged its ability to deal effectively with occupational regulation. The next chapter presents our findings and conclusions about the effectiveness of Minnesota's system and our recommendations for improving both the structure and process of occupational regulation.