

**BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION MEETING
AGENDA**

Monday, December 9, 2019, 10:00 a.m.
Department of Professional and Occupational Regulation
The Perimeter Center, Suite 200 – Training Room 2
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8519

1. Call to Order
2. Emergency Evacuation Procedures
3. Welcome New Board Member
4. Approval of Agenda
5. Approval of Minutes from the October 28, 2019 meeting
6. Public Comment Period*
7. JLARC Recommendations Report
8. Periodic Review
9. Board Liaisons
10. Board Future
11. Consideration of 2020 Meeting Dates:
March 2
June 8
September 21
December 7
12. Election of Chair and Vice-Chair
13. Statement of Economic Interests Form
14. General Assembly
15. Other Business
16. Conflict of Interest Forms/Travel Vouchers
17. Adjourn

**NEXT MEETING TENTATIVELY
SCHEDULED FOR MONDAY, MARCH 2, 2020, 10:00 a.m., TRAINING ROOM 2**

*Five-minute public comment, per person.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8519 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION



INTERIM REPORT TO THE **General Assembly**

*Evaluation of the Need for Continued Regulation of
Certain Professions and Occupations as Recommended
by the Joint Legislative Audit and Review Commission*

December 31, 2019



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DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

EXECUTIVE SUMMARY

In its 2018 report, *Operations and Performance of the Department of Professional and Occupational Regulation*,¹ the Joint Legislative Audit and Review Commission (JLARC) found the vast majority of occupations assigned to the agency met Virginia's statutory criteria to warrant regulation. In Chapter 2 of its report, JLARC noted:

The General Assembly decides which occupations are regulated by the Department of Professional and Occupational Regulation (DPOR). The decision to regulate an occupation should consider two priorities: the need to protect the public and the need to avoid placing unnecessary restrictions on individuals and businesses entering the workforce. The Code of Virginia sets four criteria that must be met for an occupation to be regulated (§54.1-100):

- The unregulated practice of the occupation can harm public health, safety, or welfare.
- The occupation's work has inherent qualities that distinguish it from other occupations.
- The public needs and will benefit from state assurances of competency.
- The public is not effectively protected by other means.

However, JLARC's analysis determined several DPOR-regulated occupations either explicitly do not satisfy the criteria for regulation, or the current level of regulation is unnecessary because the public is otherwise sufficiently protected. For example, report recommendations 1 and 4 suggested the General Assembly take legislative action to eliminate regulation of common interest community managers; opticians; residential building energy analysts and firms; and natural gas automobile mechanics and technicians.²

Additionally, JLARC cited existing statutory authority granted to the Board for Professional and Occupational Regulation (BPOR) pursuant to § 54.1-310 to evaluate whether currently *unregulated* occupations should be regulated, and noted in the past the legislature often directed BPOR to review proposed and existing regulatory programs using the guidelines enumerated in § 54.1-311.

“Greater use of this evaluation process would help ensure the General Assembly is able to make fully informed decisions about which occupations should be regulated,” according to JLARC. Specifically, the report recommended BPOR review the need for continued regulation of the following occupations, in accordance with the evaluation process outlined in § 54.1-311 and the Board's study methodology:

¹ <http://jlarc.virginia.gov/2018-dpor.asp>

² During the 2019 Session of the General Assembly, the following bills to implement JLARC Recommendations 1 and 4 were left in committee: HB 2099, HB 2100, HB 2353.

- Virginia licensed professional soil scientists
- Waste management facility operators
- Landscape architects
- Common interest community manager principal/supervisory employees
- Certified interior designers
- Backflow prevention device workers
- Virginia certified professional wetland delineators

This interim report offers initial information on the current status of the occupations to be evaluated, with a final report and findings to be submitted to the General Assembly by December 31, 2020.

INTERIM EVALUATION OF SOIL SCIENTISTS, WASTE MANAGEMENT FACILITY OPERATORS, AND LANDSCAPE ARCHITECTS (JLARC RECOMMENDATION #2)

In its 2018 report, JLARC found several mandatory licensure programs established by the General Assembly “do not substantially meet the criteria Virginia has set for regulation,” including those restricting access to practice as a soil scientist, waste management facility operator, and landscape architect. Noting the statutory proscription in § 54.1-100 against occupational regulation unless necessary for public protection, JLARC’s analysis concluded:

Three occupations pose some risk of harm, but regulation is not needed because the public is protected by other means so the risk is low (soil scientist); or regulation provides little added benefit (waste management facility operators); or regulation does not fully address the risk because much of the same work can be performed by unregulated occupations (landscape architects).

Individuals who wish to practice in these occupations must meet minimum education and experience standards, pass examinations, pay application and license renewal fees, and comply with regulatory requirements or be subject to potential disciplinary action. JLARC Recommendation #2 states:

The Board for Professional Occupational Regulation (BPOR) should review the need for continued regulation of soil scientists, waste management facility operators, and landscape architects. In carrying out these reviews, BPOR should follow the guidelines set in § 54.1-311 of the Code of Virginia for determining the need for regulation and the appropriate degree of regulation for an occupation. BPOR should begin reporting its evaluation findings to the General Assembly by December 31, 2019 and complete these evaluations by December 31, 2020.

Soil Scientists

According to JLARC's analysis, regulation of soil scientists is unnecessary due to low risk of public harm; although incompetent practice could negatively impact land use or land management, the report suggests potential harm is remote because many other regulated professionals are involved in such processes. Moreover, JLARC noted an existing private national certification is available to verify qualifications for soil scientists as an alternative to state regulation.

Virginia licensed professional soil scientists are defined in § 54.1-2200 as “a person who possesses the qualifications required for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a license by the Board.” The practice of soil evaluation, as defined below, is restricted to licensed soil scientists³:

“ . . . the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.”

Initially, the legislature established the regulatory program governing soil scientists as a voluntary certification in 1989. During the 2011 Session of the General Assembly, the level of regulation increased to licensure with an effective date of July 1, 2013.

The Board for Soil Scientists, Wetland Professionals, and Geologists administers and enforces the regulatory program for soil scientists. As of November 1, 2019, Virginia regulated 91 licensed professional soil scientists,⁴ composing 8.1% of that Board's total regulant population.

In the agency's 30 years of regulating soil scientists, the Board has received four case files that resulted in disciplinary action.

Eight other states also license soil scientists and the remaining 41 administer voluntary certification programs. The appendix provides journal articles about the profession including information about public health, safety, and welfare in relation to soil science applications for agriculture, conservation, and land development.

Waste Management Facility Operators

JLARC found little added benefit associated with the licensing requirement for individuals who manage the daily operations of solid waste facilities; its report suggested public risks are adequately addressed by regulation of such facilities (e.g., landfills and transfer stations) by the Department of Environmental

³ Subsection B.2 of § 54.1-2201 allows licensed professional engineers, landscape architects, and land surveyors to render soil evaluation services as part of their work.

⁴ In February 2011, when the legislature considered changing the degree of regulation, Virginia regulated 136 certified soil scientists.

Quality (DEQ). Additionally, JLARC noted the Board for Waste Management Facility Operators rarely meets due to a lack of business and that an existing national certification is available to verify qualifications for operators as an alternative to state regulation.

Waste management facility operators are defined in § 54.1-2209 as “any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.” Four distinct license classes are available depending on an individual’s demonstrated competency level. A waste management facility is defined by statute as “a site used for planned treatment, storage or disposal of nonhazardous solid waste.”

The General Assembly created the Board for Waste Management Facility Operators in 1991 and provided a two-year delayed effective date for the licensing requirement. The Board administers and enforces the regulatory program; establishes training criteria and approves training providers; and licenses qualified individuals.

As of November 1, 2019, Virginia licensed 667 waste management facility operators (100% of that Board’s regulant population). Since implementation of the regulatory program in 1993, the Board has received one case file that resulted in disciplinary action.

According to JLARC’s analysis, approximately half of all states regulate waste management facility operators, although some jurisdictions require a national certification.

Landscape Architects

In its report, JLARC acknowledged potential harm to the public from incompetent practice of landscape architecture, ranging from safety hazards to property or environmental damage. However, its analysis concluded that licensure of landscape architects is overly restrictive and does not effectively address such risks because unregulated occupations (i.e., landscape designers) perform largely the same work and present the same dangers.

A landscape architect is defined in § 54.1-400 as follows:

“ . . . a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through licensure as a landscape architect.”

Statute further defines the *practice* of landscape architecture:

“ . . . any service wherein the principles and methodology of landscape architecture are applied in consultation, evaluation, planning (including the preparation and filing of

sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.”

However, the law does not restrict the scope of practice only to licensed landscape architects who use that title.⁵ Subsection B of § 54.1-409 states:

Nothing contained herein or in the definition of "practice of landscape architecture" or in the definition of "landscape architect" in § 54.1-400 shall be construed to restrict or otherwise affect the right of any architect, professional engineer, land surveyor, nurseryman, landscape designer, landscape contractor, land planner, community planner, landscape gardener, golf course designer, turf maintenance specialist, irrigation designer, horticulturist, arborist, or any other similar person from engaging in their occupation or the practice of their profession or from rendering any service in connection therewith that is not otherwise proscribed.

Initially, the legislature created the regulatory program governing landscape architects as a voluntary certification in 1980. During the 2009 Session of the General Assembly, the level of regulation increased to licensure with an effective date of July 1, 2010.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA) administers and enforces the regulatory program for landscape architects. As of November 1, 2019, Virginia regulated 942 landscape architects,⁶ composing 2.4% of that Board’s regulant population.

In the agency’s nearly 40 years of regulating landscape architects, the Board has received two case files that resulted in disciplinary action.

Regulation to some degree among all 50 states is largely uniform. The appendix includes articles from media, academic, and industry sources about the profession relative to its scope of practice and impact on public health, safety, and welfare.

⁵ Subsection A of § 54.1-409 states, in part, “Beginning July 1, 2010, a person who engages in the practice of landscape architecture as defined in § 54.1-400 and who holds himself out as a landscape architect shall hold a valid license prior to engaging in such practice.”

⁶ In February 2009, when the legislature considered changing the degree of regulation, Virginia certified 820 landscape architects.

INTERIM EVALUATION OF COMMON INTEREST COMMUNITY MANAGER EMPLOYEES, INTERIOR DESIGNERS, BACKFLOW PREVENTION DEVICE WORKERS, AND WETLAND DELINEATORS (JLARC RECOMMENDATION #3)

In its 2018 report, JLARC determined several current voluntary certification programs established by the General Assembly and administered by DPOR are unnecessary. Citing duplicative national certifications, JLARC's analysis concluded:

Occupations that have a national certification equivalent to Virginia's do not meet the statutory criteria for regulation. According to statute, regulation of an occupation is only needed if "the public needs and will benefit from state assurances of competency" (§ 54.1-100). National certification that is equivalent to state certification provides the same level of assurance to consumers and the public.

JLARC acknowledged that eliminating state certification may harm current certificate holders due to lack of uniformity and increased economic costs. Nonetheless, the report noted, "this problem is not among the statutory criteria for regulating occupations." JLARC Recommendation #3 states:

The Board for Professional and Occupational Regulation (BPOR) should review the need for continued state certification of (i) common interest community manager employees; (ii) interior designers; (iii) backflow prevention device workers; and (iv) wetland delineators. BPOR should begin reporting its evaluation findings to the General Assembly by December 31, 2019 and complete these evaluations by December 31, 2020."

Common Interest Community Manager Employees

According to JLARC's analysis, regulation of common interest community employees is unwarranted, overly burdensome, and completely duplicative of national certifications. The report noted:

For community manager employees, individuals with one of three nationally recognized credentials in community management automatically qualify for a state certificate. This equivalency means that the national and state certifications are essentially interchangeable.

Moreover, in terms of potential harm, JLARC estimated the risk to be low because associations already are required to be bonded or insured against losses from theft or dishonesty by managers and their employees.

During the 2008 Session of the General Assembly, the legislature created the Common Interest Community Board to regulate common interest community (CIC) managers as well as their principal or supervisory employees. Pursuant to § 54.1-2346, a requirement for CIC Managers to obtain or renew licensure includes ensuring their covered employees, defined below, are properly certified by the Board.

“. . . all employees of the common interest community manager who have principal responsibility for management services provided to a common interest community or who have supervisory responsibility for employees who participate directly in the provision of management services to a common interest community shall, within two years after employment with the common interest community manager, hold a certificate issued by the Board certifying the person possesses the character and minimum skills to engage properly in the provision of management services to a common interest community or shall be under the direct supervision of a certified employee of such common interest community manager.”

As of November 1, 2019, Virginia regulated 320 CIC certificate holders (also referred to as certified principal or supervisory employees). There have been 13 cases that have resulted in disciplinary actions against CIC managers going back to 2008 but 0 cases filed against CIC Manager Employees and/or certificate holders. In addition to Virginia, eight other states regulate Common Interest Community Managers and/or their employees.

Since 2008, the Board has received zero case files against certified CIC employees; however, complaints most often involve the licensed CIC Manager’s performance in providing management services, not a particular certified principal or supervisory employee. Although a CIC certificate holder is bound by the regulations and could be found in violation, the association’s contractual agreement is with the licensed CIC Manager (rather than the licensee’s individual employees).

In addition to Virginia, eight other states regulate CIC managers or their employees to some extent.

Interior Designers

In its report, JLARC determined the requirements for national and state certification of interior designers are nearly identical. Continued regulation appears unnecessary and “offers no additional assurance of competency for this occupation” as required by statute.

Certified interior designers are defined in § 54.1-400 as “a design professional who meets the criteria of education, experience, and testing in the rendering of interior design services established by the Board through certification as an interior designer.”

Statute further defines interior design *by a certified interior designer* as:

“. . . any service rendered wherein the principles and methodology of interior design are applied in connection with the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment. Such services relative to interior spaces shall include the preparation of documents for non load-bearing interior construction, furnishings, fixtures, and equipment in order to enhance and protect the health, safety, and welfare of the public.”

The title protection law—enacted during the 1990 Session of the General Assembly—does not restrict the scope of practice and serves as the framework for the voluntary certification program. While only certified interior designers may use the title, any individual may render services as an interior designer, interior decorator, or similar.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA) administers and enforces the regulatory program for certified interior designers. As of November 1, 2019, Virginia regulated 493 certified interior designers, composing 2.4% of that Board’s regulant population.

In the agency’s nearly 30 years of regulating certified interior designers, the Board has received one case file that resulted in disciplinary action.

The national landscape varies with regard to regulation of the interior design profession. Three states (Florida, Louisiana, Nevada) and the District of Columbia license interior designers; 24 states including Virginia administer voluntary certification programs; and the profession is unregulated in the remaining jurisdictions. The appendix offers articles with information about the nexus between interior design, regulation of design professionals, and public protection.

Backflow Prevention Device Workers

JLARC’s analysis concluded the regulatory program for backflow prevention device workers is unnecessary and “largely duplicative of national and local training certifications.” Its report cited the establishment of a uniform credential for recognition across localities as a primary rationale for certification; however, occupational recognition is not one of the statutory criteria for regulation.

A backflow prevention device worker is defined in § 54.1-1128 as follows:

“. . . any individual who engages in, or offers to engage in, the maintenance, repair, testing, or periodic inspection of cross connection control devices, including but not limited to reduced pressure principle backflow preventors, double check-valve assemblies, double-detector check-valve assemblies, pressure type vacuum breaker assemblies, and other such devices designed, installed, and maintained in such a manner

so as to prevent the contamination of the potable water supply by the introduction of non potable liquids, solids, or gases, thus ensuring that the potable water supply remains unaltered and free from impurities, odor, discoloration, bacteria, and other contaminants which would make the potable water supply unfit or unsafe for consumption and use.”

During the 1996 Session of the General Assembly, the legislature transferred regulation of backflow prevention device workers from localities to DPOR, with a delayed implementation date of July 1, 1998. Although the regulatory program is established as voluntary certification, subsection B of § 54.1-1129 allows localities to impose restrictions on non-certified backflow prevention device workers; however, the statute explicitly requires localities to accept certification as proof of minimum competency without additional examination.

The Board for Contractors administers and enforces the regulatory program for backflow prevention device workers; approves training providers; and certifies qualified individuals. As of November 1, 2019, Virginia regulated 1,419 certified backflow prevention device workers, composing 1.6% that Board’s regulant population.

Since implementation of the certification program for backflow prevention device workers in 1998, the Board has received one case file that resulted in disciplinary action.

Wetland Delineators

JLARC determined the Virginia regulatory program for wetland delineators is unnecessary given the national certification for “professional wetland scientist;” however, the state and national requirements are not identical. Although the national certification covers a broader scope of practice, with more stringent entry standards (and higher application and renewal fees), the educational background already necessary to obtain state certification may qualify existing Virginia certificate holders.

A Virginia certified professional wetland delineator is defined in § 54.1-2200 as “a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.” By comparison, non-certified wetland professionals are defined as “having special knowledge of wetland science and the methods and principles of wetland delineation⁷ as acquired by education and experience in the formation, description and mapping of wetlands.”

⁷ Wetland delineation means “delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types” (§ 54.1-2200).

Statute further defines the practice of wetland delineation as:

“. . . the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.”

The title protection law—enacted during the 2002 Session of the General Assembly with a two-year delayed effective date—does not restrict the scope of practice and serves as the framework for the voluntary certification program. While only certified professional wetland delineators may use the title, any individual may practice wetland delineation as a wetland professional.

The Board for Soil Scientists, Wetland Professionals, and Geologists administers and enforces the regulatory program. As of November 1, 2019, Virginia regulated 117 certified professional wetland delineators, composing 10.5% that Board’s regulant population.

Since implementation of the certification program for certified professional wetland delineators in 2004, the Board has received no case files that resulted in disciplinary action.

Three other states (Minnesota, New Hampshire, Wisconsin) also certify wetland delineators. No states license the profession. The national landscape varies with regard to regulation of the wetland delineators profession. The appendix includes articles about the role of wetland professionals and consequences of proper delineation.

BPOR EVALUATION PROCESS

BPOR initially developed study guidelines to document best practices and procedures used in prior evaluations. The most recent guidelines incorporate updates from 2016 to reflect statutory changes that allow for interested parties to request an evaluation through the process enumerated in § 54.1-310.1.

The guidance document is publicly available on the agency website and the Virginia Regulatory Town Hall to inform interested parties of BPOR’s statutory authority and its approach toward conducting evaluations. In addition to data collection and analysis, the evaluation process solicits and encourages meaningful public participation from the public as well as regulated communities.

The Commonwealth’s philosophy on the regulation of professions and occupations is as follows: ***The occupational property rights of the individual may be abridged only to the degree necessary to protect the public.*** This tenet is clearly stipulated in statute and serves as the Board’s over-arching framework in its approach to all reviews of professions or occupations:

The right of every person to engage in any lawful profession, trade or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it is clearly found that such abridgement is necessary for the protection or preservation of the health, safety and welfare of the public and (ii) any such abridgement is no greater than necessary to protect or preserve the public health, safety, and welfare. (*Va. Code* § 54.1-100)

Least-Restrictive Regulation

Pursuant to § 54.1-311, if BPOR recommends a particular profession or occupation be regulated, or suggests a different degree of regulation should be imposed on an already regulated profession or occupation, it shall consider the following degrees of regulation in order:

1. **Private civil actions and criminal prosecutions** – Whenever existing common law and statutory causes of civil action or criminal prohibitions are not sufficient to eradicate existing harm or prevent potential harm, the Board may first consider the recommendation of statutory change to provide stricter causes for civil action and criminal prosecution.
2. **Inspection and injunction** – Whenever current inspection and injunction procedures are not sufficient to eradicate existing harm, the Board may recommend more adequate inspection procedures and to specify procedures whereby the appropriate regulatory entity may enjoin an activity which is detrimental to the public well-being. The Board may recommend to the appropriate agency of the Commonwealth that such procedures be strengthened or it may recommend statutory changes in order to grant the appropriate state agency the power to provide sufficient inspection and injunction procedures.
3. **Registration** – Whenever it is necessary to determine the impact of the operation of a profession or occupation on the public, the Board may recommend a system of registration.
4. **Certification** – When the public requires a substantial basis for relying on the professional services of a practitioner, the Board may recommend a system of certification.
5. **Licensing** – Whenever adequate regulation cannot be achieved by means other than licensing, the Board may recommend licensing procedures for any particular profession or occupation.

Criteria

Pursuant to subsection B of § 54.1-311, in determining the proper degree of regulation, if any, BPOR shall determine the following:

1. Whether the practitioner, if unregulated, performs a service for individuals involving a hazard to the public health, safety or welfare.

2. The opinion of a substantial portion of the people who do not practice the particular profession, trade or occupation on the need for regulation.
3. The number of states which have regulatory provisions similar to those proposed.
4. Whether there is sufficient demand for the service for which there is no regulated substitute and this service is required by a substantial portion of the population.
5. Whether the profession or occupation requires high standards of public responsibility, character and performance of each individual engaged in the profession or occupation, as evidenced by established and published codes of ethics.
6. Whether the profession or occupation requires such skill that the public generally is not qualified to select a competent practitioner without some assurance that he has met minimum qualifications.
7. Whether the professional or occupational associations do not adequately protect the public from incompetent, unscrupulous or irresponsible members of the profession or occupation.
8. Whether current laws which pertain to public health, safety and welfare generally are ineffective or inadequate.
9. Whether the characteristics of the profession or occupation make it impractical or impossible to prohibit those practices of the profession or occupation which are detrimental to the public health, safety and welfare.
10. Whether the practitioner performs a service for others which may have a detrimental effect on third parties relying on the expert knowledge of the practitioner.

Application of Criteria

In conducting studies, BPOR assesses the criteria against the potential degrees of regulation, from least restrictive (registration) to most restrictive (licensure). The following outline delineates the characteristics of registration, certification, and licensure, and the criteria applicable to each category if an evaluation indicates regulation is warranted.

REGISTRATION

Registration requires only that an individual file his name, location, and occasionally certain additional information with the state. No entry standard is typically established for a registration program.

RISK	Low potential, but consumers need to know that redress is possible.
SKILL + TRAINING	Variable, but can be differentiated for ordinary work and labor.
AUTONOMY	Variable.
APPLICABLE CRITERIA	Criteria 4, 5 and 6 must be met.

CERTIFICATION

Certification by the state is also known as "title protection." No scope of practice is reserved to a particular group. However, only those individuals who meet certification standards (defined in terms of education and minimum competencies which can be measured) may use or call themselves by the protected title.

RISK	Moderate potential, attributable to the nature of the practice, consumer vulnerability, or practice setting and level of supervision.
SKILL + TRAINING	Specialized; can be differentiated from ordinary work. Candidate must complete specific education or experience requirements.
AUTONOMY	Variable; some independent decision-making; majority of practice actions directed or supervised by others.
SCOPE OF PRACTICE	Definable in enforceable legal terms.
APPLICABLE CRITERIA	Criteria 1 through 6 must be met.

LICENSURE

Licensure is mandatory and constitutes the most restrictive level of occupational regulation. It generally involves the delineation in statute of a scope of practice which is reserved to a select group based upon their possession of unique, identifiable, minimal competencies for safe practice.

RISK	High potential, attributable to the nature of the practice.
SKILL + TRAINING	Highly specialized education required.
AUTONOMY	Practices independently with a high degree of autonomy; little or no direct supervision.
SCOPE OF PRACTICE	Definable in enforceable legal terms.
APPLICABLE CRITERIA	Criteria 1 through 6 must be met.

Alternatives to Regulation

In cases where BPOR identifies a potential risk from an unregulated profession or occupation, but other criteria are insufficient to substantiate that registration, certification, or licensure are appropriate remedies, other recommendations may be warranted. In accordance with statute and Criteria 6 and Criteria 7, BPOR must consider less restrictive means to protect the public's health, safety, and welfare, rather than interfering in the occupational property rights of individuals.

APPENDIX

Information Resources

SOIL SCIENTISTS

- <https://www.soils.org/discover-soils/story/scientists-call-for-infiltration-to-be-better-incorporated>
- <https://www.sciencenewsforstudents.org/article/dirt-soil>
- <https://www.nature.com/news/the-business-case-for-soil-1.21623>

LANDSCAPE ARCHITECTS

- <https://www.virginiamercury.com/2019/10/02/the-most-important-profession-fighting-sea-level-rise-youve-never-heard-of/>
- <https://agmr.umd.edu/news/umd-case-study-examines-how-green-infrastructure-can-help-suburban-environments-manage>
- <https://blogs.ei.columbia.edu/2019/09/03/hidden-benefits-green-infrastructure/>
- <https://thefield.asla.org/2019/10/22/landscapes-for-better-mental-health/>
- <https://worldlandscapearchitect.com/the-future-in-the-making-m4h-rotterdam/#.XcHRzfVKiUI>

INTERIOR DESIGNERS

- https://www.roanoke.com/business/why-are-interior-designers-certified/article_590a866f-4391-5567-8e5d-0ad08c9e65fa.html
- <https://www.propmodo.com/interior-design-beyond-the-furniture-catalog/>
- <https://www.architecturaldigest.com/story/am-i-a-real-designer-if-im-not-licensed>

WETLAND DELINEATORS

- <https://www.wetlands.com/vol27no9-wetland-map>
- <https://www.pilotonline.com/news/environment/vp-nw-catch-king-drone-map-20191027-wldmkfs5lvekfok4loioftn7na-story.html>
- <https://gopresstimes.com/2019/10/15/study-finds-no-wetlands-to-prevent-construction/>