

BARRIERS TO WORK IN THE MOUNTAIN STATE:

A Closer Look at Occupational
Licensing in West Virginia



INTRODUCTION

Though scrutiny of occupational licensing has increased nationwide over the last few years, it remains woefully understudied in West Virginia. This study is an effort to shine a light on the occupational licensing regime that affects many West Virginians in their pursuit of gainful employment compared to West Virginia's two most populous neighboring states – Ohio and Pennsylvania.

Why study occupational licensing? The fundamental question underlying occupational licensing is this: should citizens be forced to obtain government permission in order to work? If the answer is yes, then the second question becomes, “at what cost?” Though this report focuses on the second question, it is equally important to ponder the first question. Unfortunately, though, the philosophical discussion must be left for another day.

For decades, West Virginia has been burdened by the nation's lowest workforce participation rate, occasionally dipping below 50 percent. With this in mind, we studied the potential hurdles placed in front of enterprising West Virginians.

Our initial **report** compared licensing requirements for 64 occupations in West Virginia to Pennsylvania and Ohio. We focused on initial licensing fees, renewal fees, the number of exams required, continuing education requirements, and good moral character requirements. If 3 or more of these requirements for licensure in West Virginia were higher than both Ohio and Pennsylvania, we classified West Virginia as a “high barrier” state for that occupation. Using these criteria, we identified 25 of the 64 occupations as “high barrier.”

In this more comprehensive follow up, we take a deeper dive into licensing requirements for the 25 high barrier occupations. One-page summaries for each high barrier occupation are provided in the report for comparison purposes. Our main findings can be summarized as follows:

- West Virginia has higher initial licensing fees than PA and OH for 18 of the 25 high barrier occupations. Eight of the occupations have fees that are more than \$100 more than the comparison states.
- West Virginia has higher renewal fees than PA and OH for 21 of the 25 high barrier occupations. Ten of the occupations have fees that are more than \$100 more than the comparison states.
- West Virginia has 38 licensing boards and commissions. This is 17 more than Ohio and 9 more than Pennsylvania.
- Pennsylvania has a separate regulatory entity providing regulatory oversight of its licensing boards and commissions. Both West Virginia and Ohio do not provide similar oversight.

While the report doesn't look at every occupation requiring a license in West Virginia, the report does paint a compelling picture that West Virginia has significantly high barriers to work when compared to its larger, richer neighbors. There is no silver bullet to solve West Virginia's workforce woes, but reforming West Virginia's licensing regime is an important step in that direction. We hope this report informs that effort.

Garrett Ballengee, Executive Director
Cardinal Institute for West Virginia Policy

Edward Timmons, Ph.D
Professor of Economics
Director, Knee Center for the Study of
Occupational Regulation

DEFINITIONS

High Barrier: This report compares the following occupational licensing requirements: initial licensing fees, renewal fees, the number of exams required, continuing education requirements, and good moral character requirements. An occupation is labeled “high barrier” when 3 or more of the requirements are higher in West Virginia than in both Pennsylvania and Ohio.

Commission / Council: These terms are used interchangeably with “board” in licensing legislation in West Virginia. They are used to label when a group is either a governing or advisory body.

(<https://sos.wv.gov/admin-law/Pages/AppStOff.aspx>)



TOTAL NUMBER

of Licensing Boards, Commissions, and Agencies



1. West Virginia Board of Accountancy
2. West Virginia Board of Acupuncture
3. West Virginia Board of Architects
4. West Virginia Board of Chiropractic
5. West Virginia Board of Cosmetologists
6. West Virginia Board of Dentistry
7. West Virginia Board of Examiners for Registered Professional Nurses
8. West Virginia Board of Examiners in Counseling
9. West Virginia Board of Examiners of Psychologists
10. West Virginia Board of Examiners of Speech & Language Pathology and Audiology
11. West Virginia Board of Funeral Services Examiners
12. West Virginia Board of Hearing Aid Dealers
13. West Virginia Board of Licensed Dietitians
14. West Virginia Board of Medicine
15. West Virginia Board of Occupational Therapy
16. West Virginia Board of Optometry
17. West Virginia Board of Osteopathic Medicine
18. West Virginia Board of Pharmacy
19. West Virginia Board of Physical Therapy
20. West Virginia Board of Professional Surveyors
21. West Virginia Board of Registration for Foresters
22. West Virginia Board of Respiratory Care
23. West Virginia Board of Social Work
24. West Virginia Board of Veterinary Medicine
25. West Virginia Contractor Licensing Board
26. West Virginia Emergency Medical Services Advisory Council
27. West Virginia Manufactured Housing Construction and Safety Standards Board
28. West Virginia Massage Therapy Board
29. West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners
30. West Virginia Nursing Home Administrators Licensing Board
31. West Virginia Racing Commission
32. West Virginia Real Estate Appraiser Licensing & Certification Board
33. West Virginia Real Estate Commission
34. West Virginia State Athletic Commission
35. West Virginia State Board of Examiners for Licensed Practical Nurses
36. West Virginia State Board of Landscape Architects
37. West Virginia State Board of Registration for Professional Engineers
38. West Virginia State Board of Sanitarians

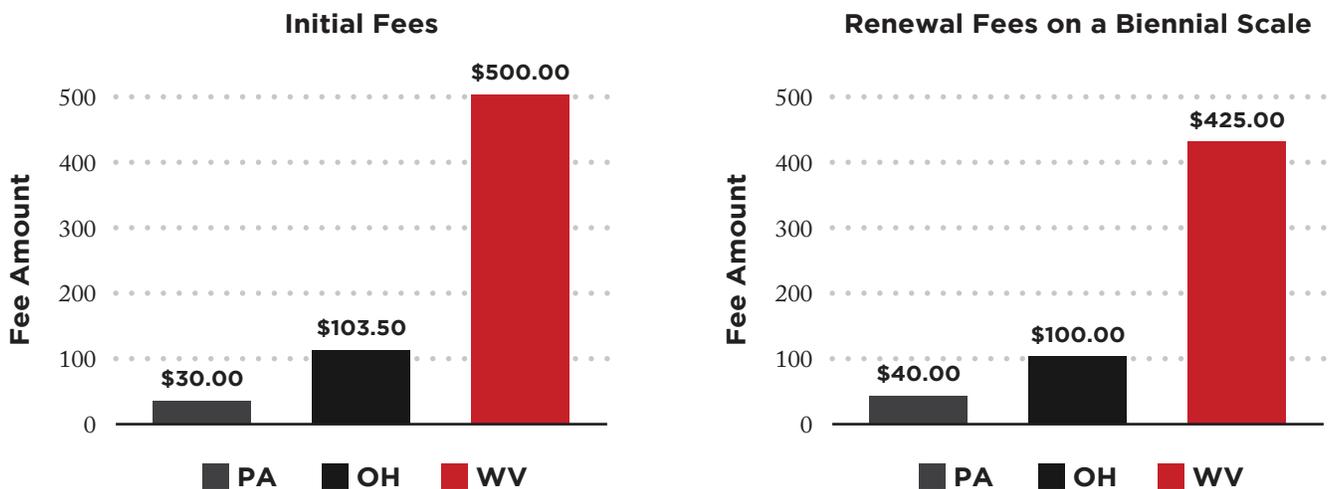
ACUPUNCTURIST

LICENSURE REQUIREMENTS

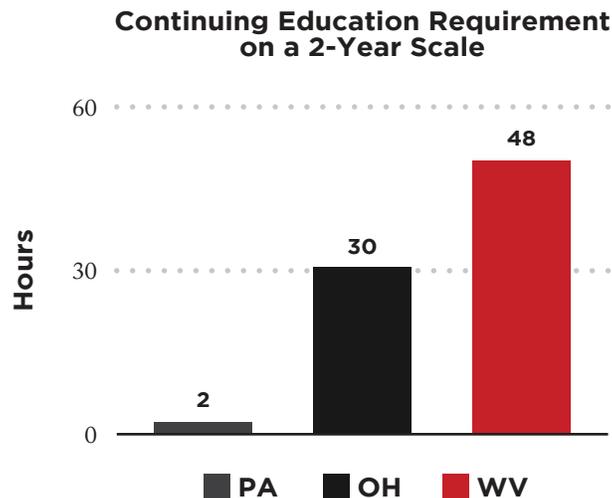
DEGREES REQUIRED: Master's

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$500.00 Initial Fee, \$425.00 Biennial Renewal Fee



CONTINUING EDUCATION: 48 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

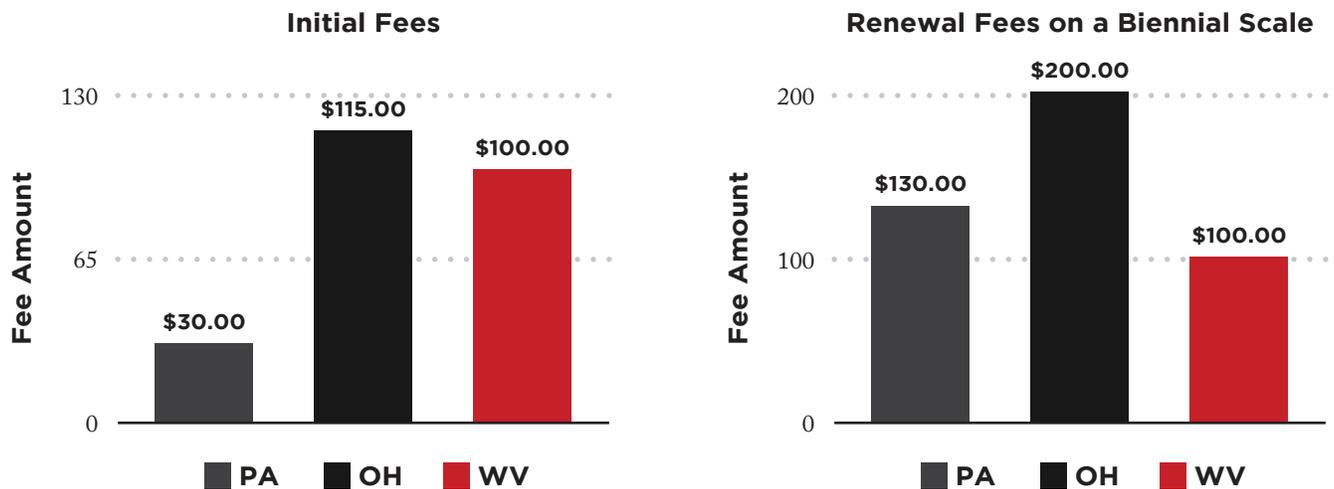
APPRENTICE AUCTIONEER

LICENSURE REQUIREMENTS

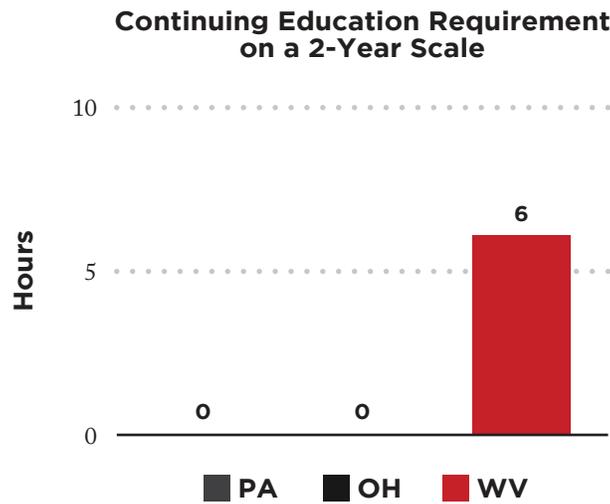
DEGREES REQUIRED: None

EXAMINATIONS REQUIRED: 1 Examination (PA does not require an exam)

FEES: \$100.00 Initial Fee, \$50.00 Annual Renewal Fee



CONTINUING EDUCATION: 3 Hours (Annual)



ENDORSEMENT/RECIPROCITY: No

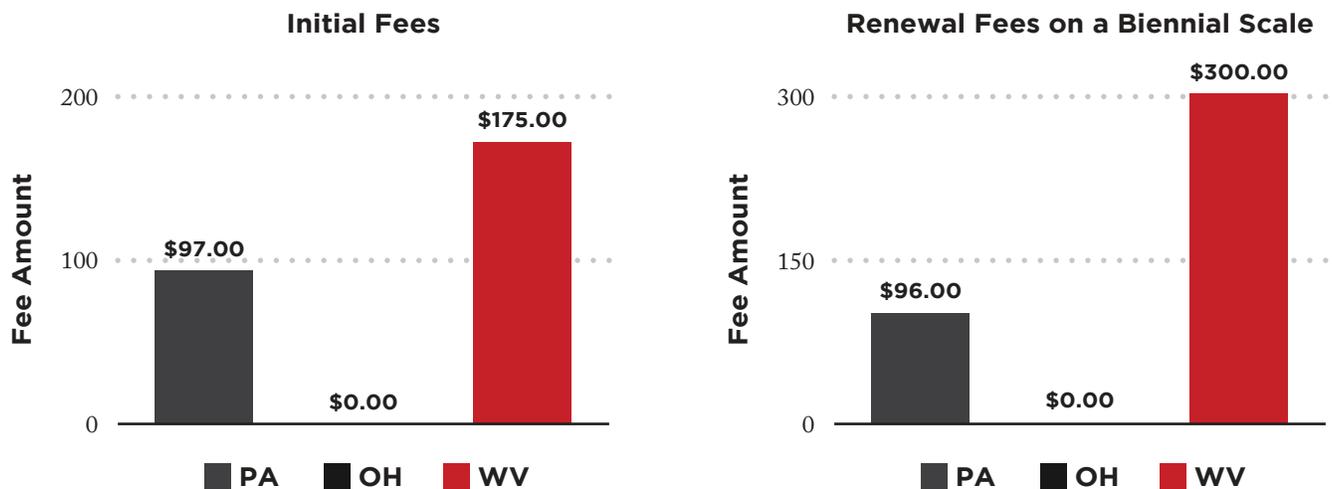
ASSOCIATE BROKER

LICENSURE REQUIREMENTS

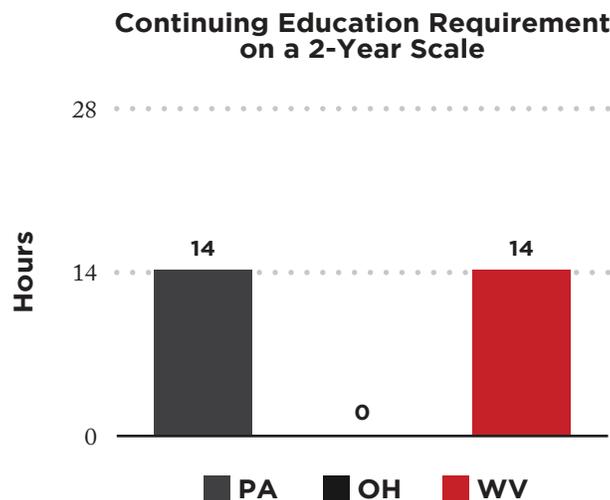
DEGREES REQUIRED: A High School Diploma/GED + 6 credit hours in “Commission Approved” real estate courses.

EXAMINATIONS REQUIRED: 1 Examination (OH does not require a license)

FEES: \$175.00 Initial Fee, \$150.00 Annual Renewal Fee



CONTINUING EDUCATION: 7 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

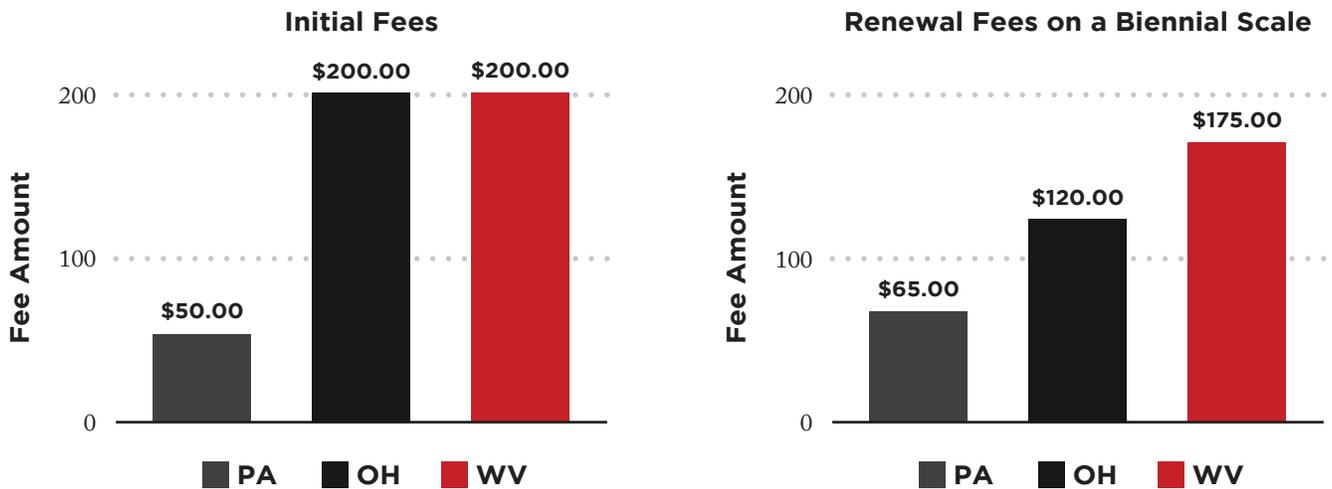
AUDIOLOGIST

LICENSURE REQUIREMENTS

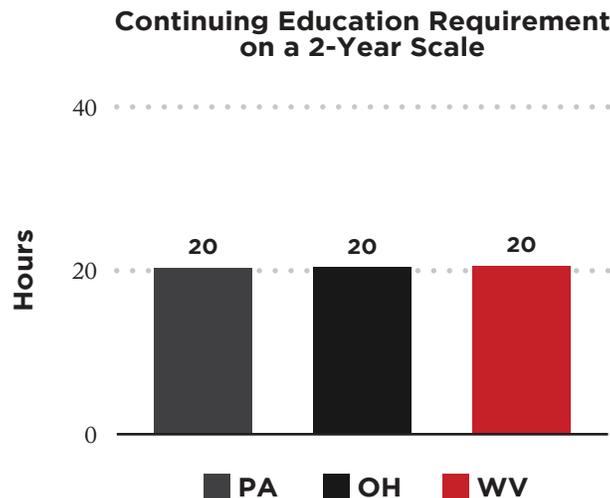
DEGREES REQUIRED: Master's

EXAMINATIONS REQUIRED: 2 Examinations (OH and PA require 1 exam)

FEES: \$200.00 Initial Fee, \$175.00 Biennial Renewal Fee



CONTINUING EDUCATION: 20 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

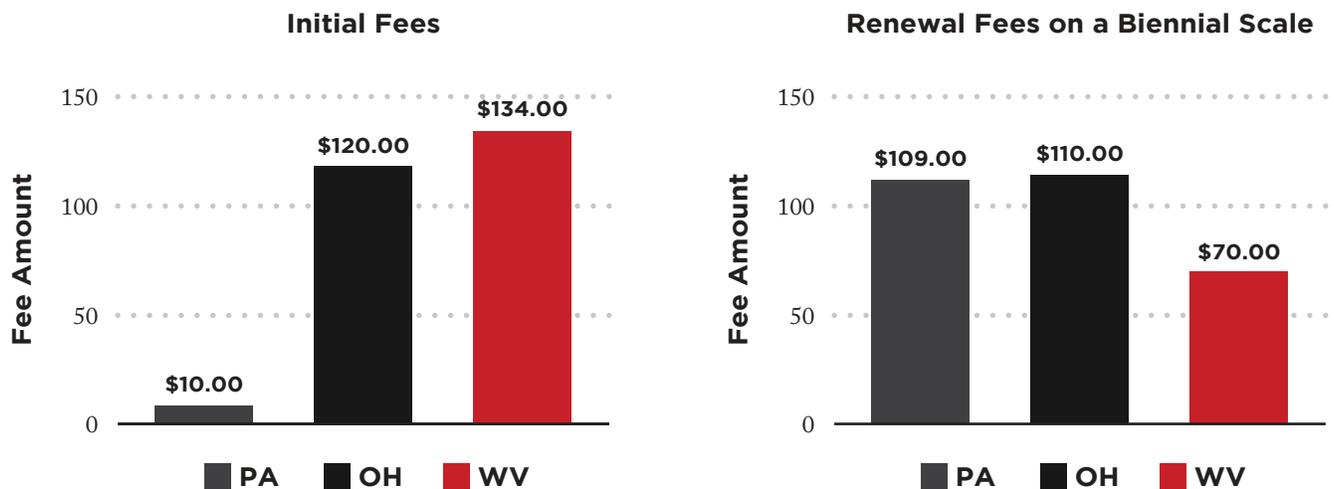
BARBER

LICENSURE REQUIREMENTS

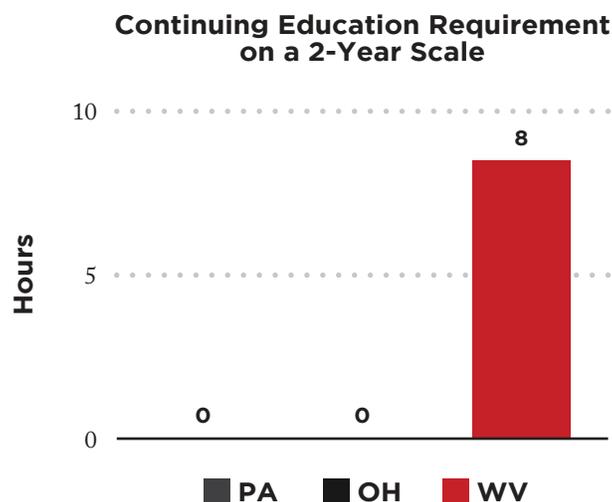
DEGREES REQUIRED: A High School Diploma/GED, or has passed the “ability to benefit test” approved by the U.S. Department of Education.

EXAMINATIONS REQUIRED: 1 Examination (PA requires 2 exams)

FEES: \$134.00 Initial Fee, \$35.00 Annual Renewal Fee



CONTINUING EDUCATION: 4 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

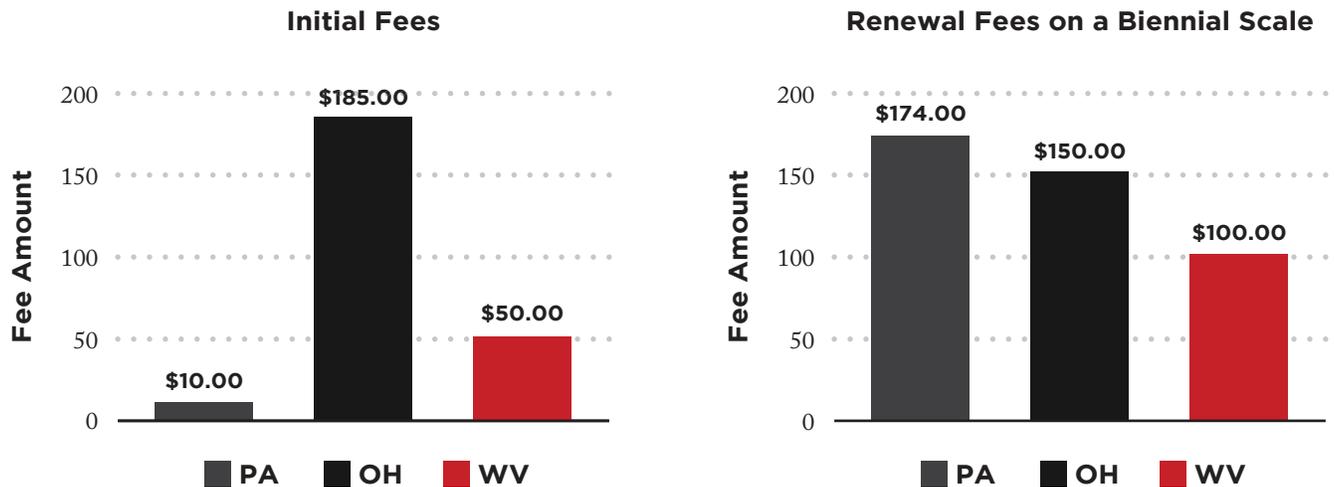
BARBER TEACHER

LICENSURE REQUIREMENTS

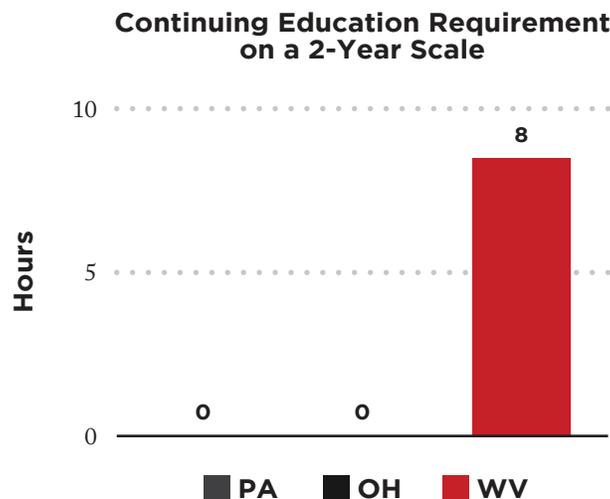
DEGREES REQUIRED: One must (1) Pass a “teaching techniques” course at a post-secondary education level, (2) Have a diploma/GED/“ability to benefit” test approved by the U.S. Dept. of Education; and (3) Have graduated from a recognized school of barbering, hair styling, aesthetics, nail technology or cosmetology.

EXAMINATIONS REQUIRED: 2 Examinations (OH requires 1 exam)

FEES: \$50.00 Initial Fee, \$50.00 Annual Renewal Fee



CONTINUING EDUCATION: 4 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

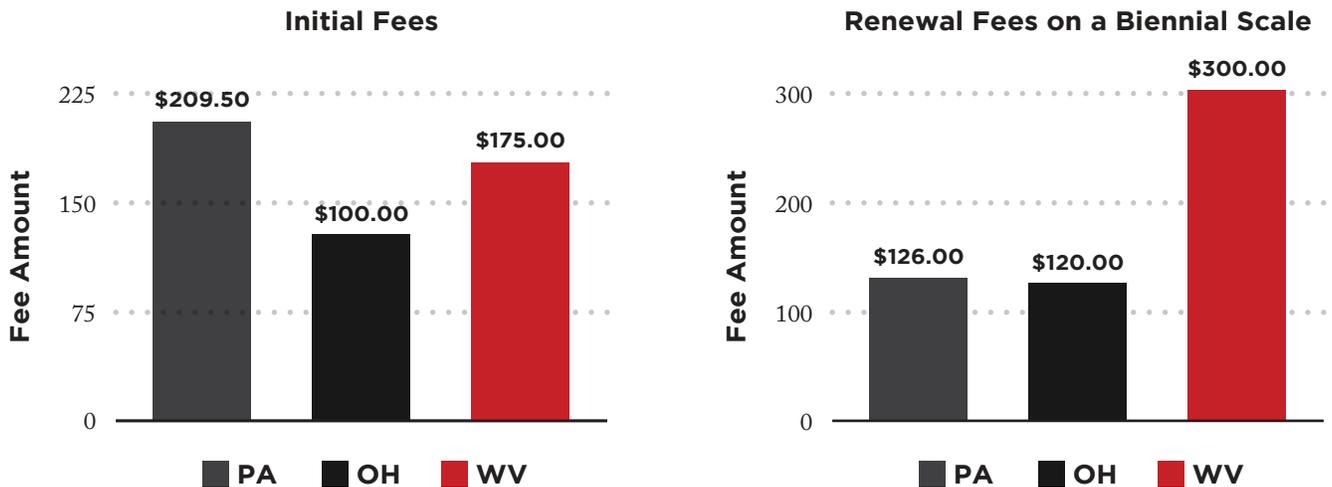
BROKER (STANDARD)

LICENSURE REQUIREMENTS

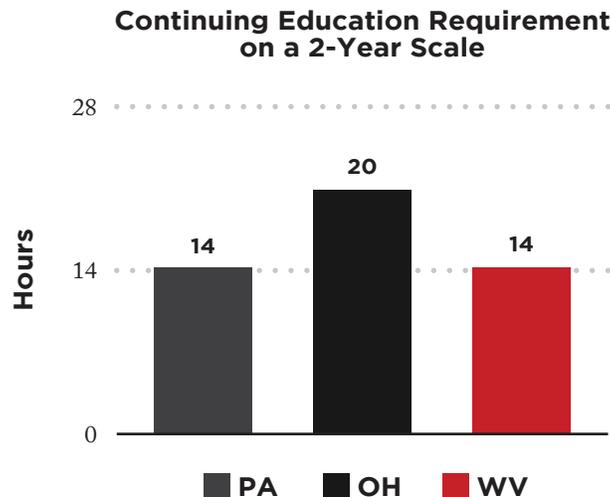
DEGREES REQUIRED: Must have a diploma/GED. If currently licensed as a salesperson, must complete 6 credit hours in “Commission Approved” real estate courses. If not currently licensed in WV, you must complete 12 credit hours in “Commission Approved” real estate courses.

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$175.00 Initial Fee, \$150.00 Annual Renewal Fee



CONTINUING EDUCATION: 7 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

CERTIFIED GENERAL APPRAISER

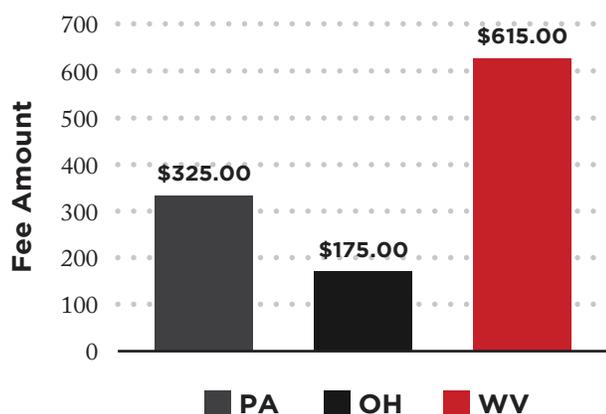
LICENSURE REQUIREMENTS

DEGREES REQUIRED: Bachelor's

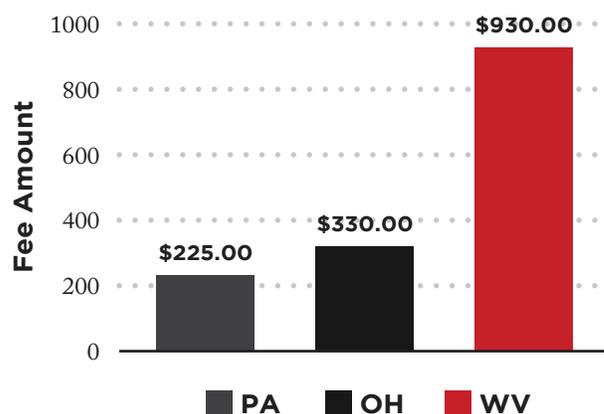
EXAMINATIONS REQUIRED: 2 Examinations (OH and PA require 1 exam)

FEES: \$615.00 Initial Fee, \$465.00 Annual Renewal Fee

Initial Fees

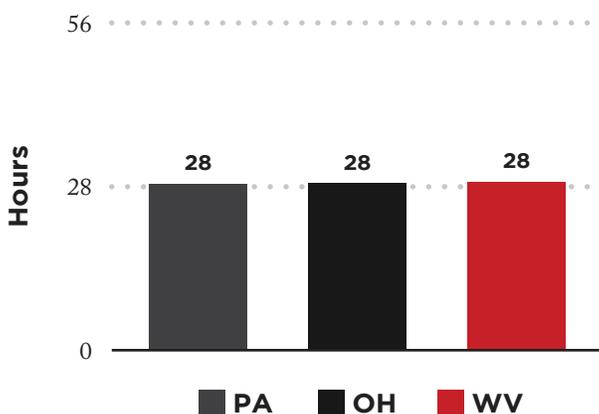


Renewal Fees on a Biennial Scale



CONTINUING EDUCATION: 14 Hours (Annual)

Continuing Education Requirement on a 2-Year Scale



ENDORSEMENT/RECIPROCITY: Yes

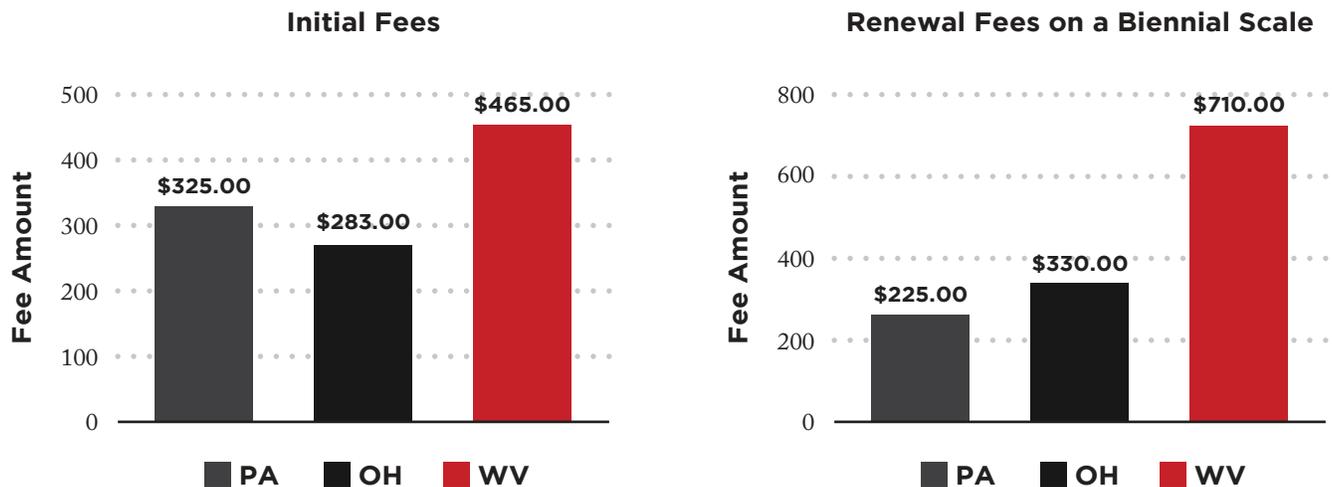
CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER

LICENSURE REQUIREMENTS

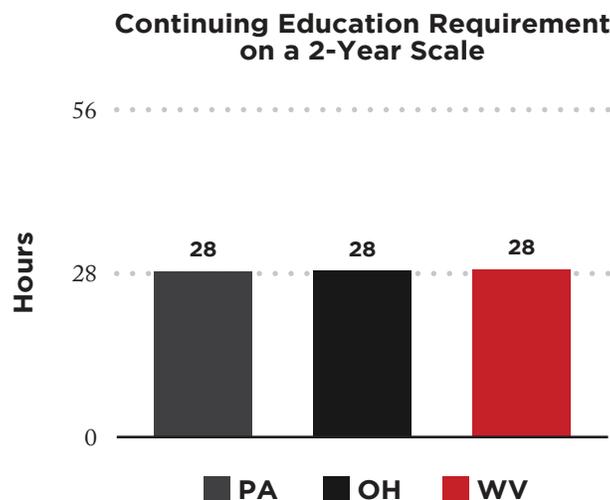
DEGREES REQUIRED: An individual must successfully complete 200 hours of board approved Qualifying Education courses before applying for a Certified Residential Appraiser License.

EXAMINATIONS REQUIRED: 2 Examinations (OH and PA require 1 exam)

FEES: \$465.00 Initial Fee, \$355.00 Annual Renewal Fee



CONTINUING EDUCATION: 14 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

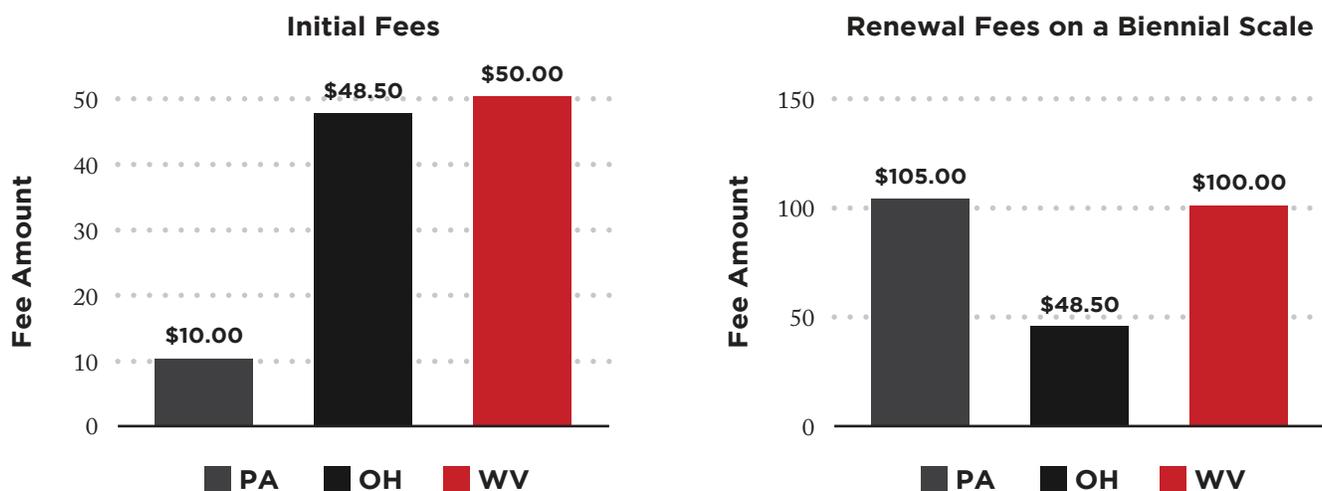
COSMETOLOGY TEACHER

LICENSURE REQUIREMENTS

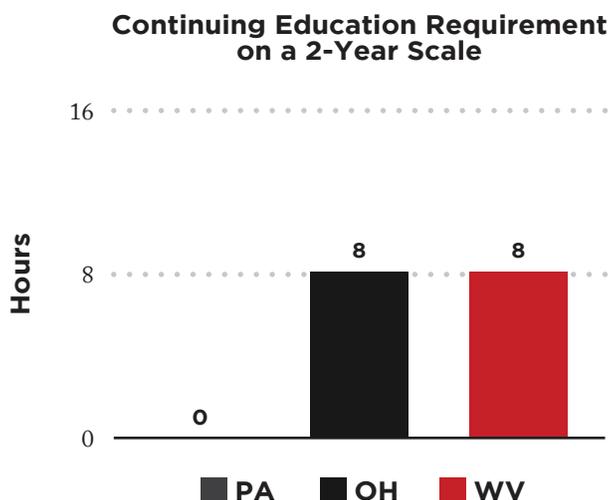
DEGREES REQUIRED: High school diploma or equivalent and graduate from cosmetology school. Successfully passed a “teaching techniques” course at a post-secondary education level.

EXAMINATIONS REQUIRED: 2 Examinations (OH and PA require 1 exam)

FEES: \$50.00 Initial Fee, \$50.00 Annual Renewal Fee



CONTINUING EDUCATION: 4 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

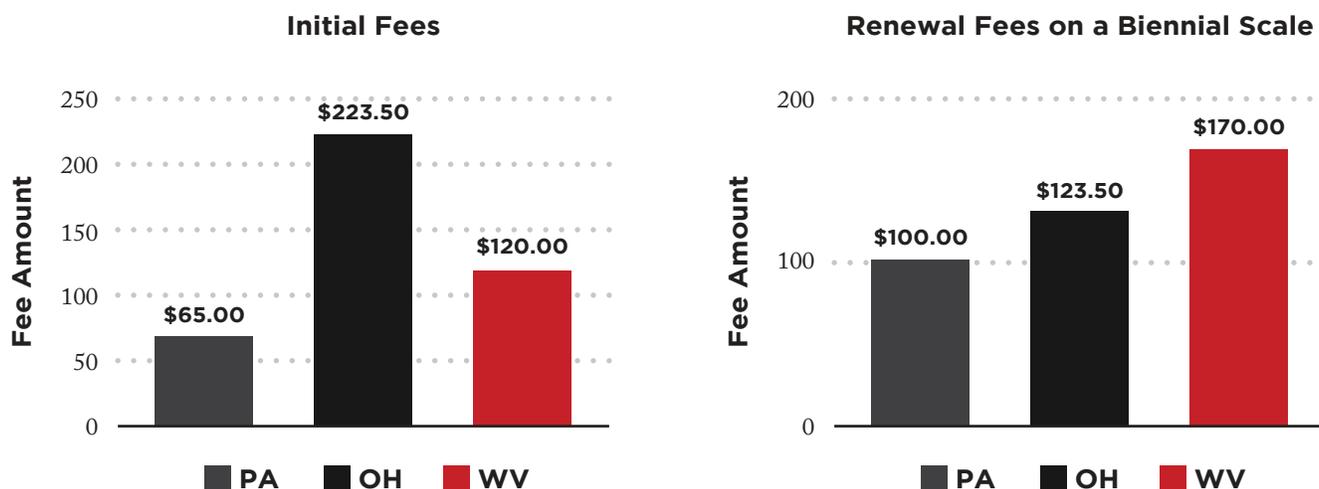
CERTIFIED PUBLIC ACCOUNTANT

LICENSURE REQUIREMENTS

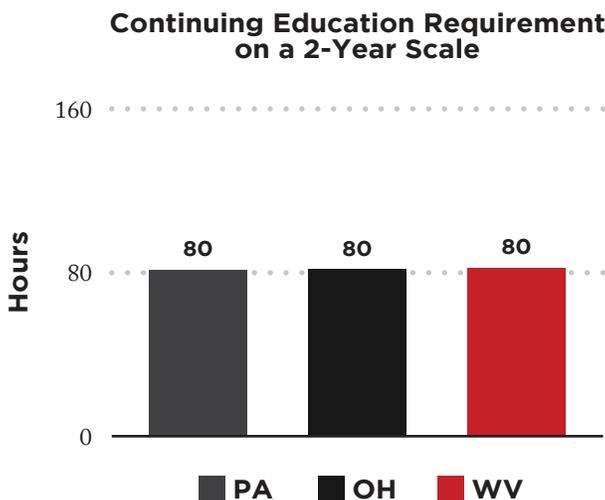
DEGREES REQUIRED: Bachelor's

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$120.00 Initial Fee, \$85.00 Annual Renewal Fee



CONTINUING EDUCATION: 120 Hours (Every 3 years)



ENDORSEMENT/RECIPROCITY: Yes

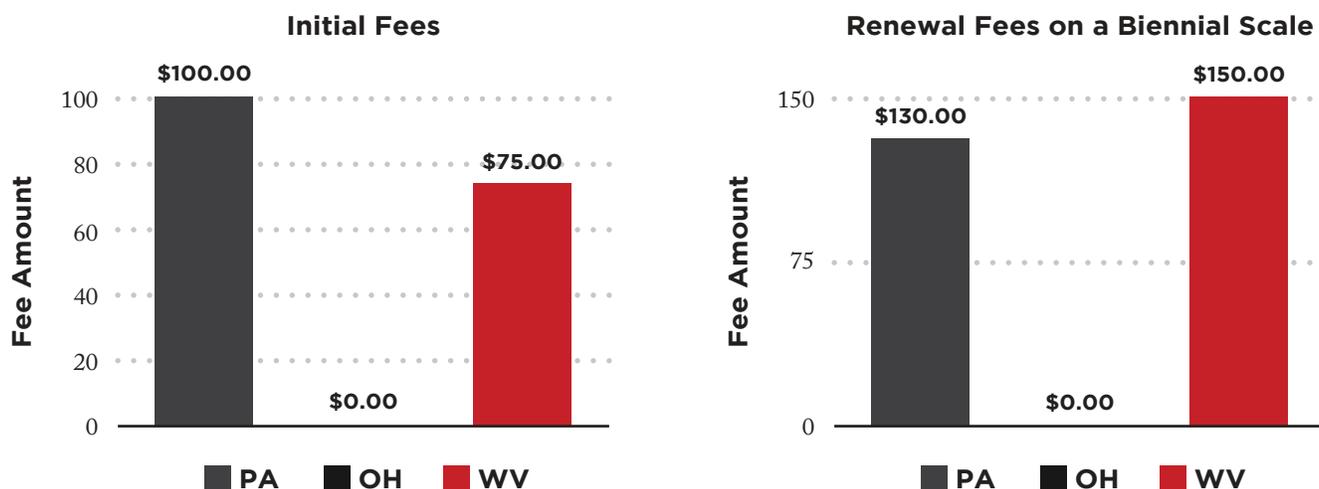
CRANE OPERATOR

LICENSURE REQUIREMENTS

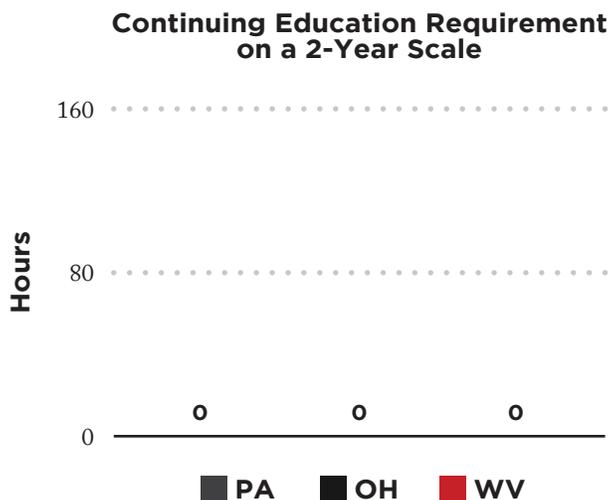
DEGREES REQUIRED: None

EXAMINATIONS REQUIRED: 2 Examinations (PA requires 1 exam, OH is not licensed)

FEES: \$75.00 Initial Fee, \$75.00 Annual Renewal Fee



CONTINUING EDUCATION: 0 Hours



ENDORSEMENT/RECIPROCITY: Yes

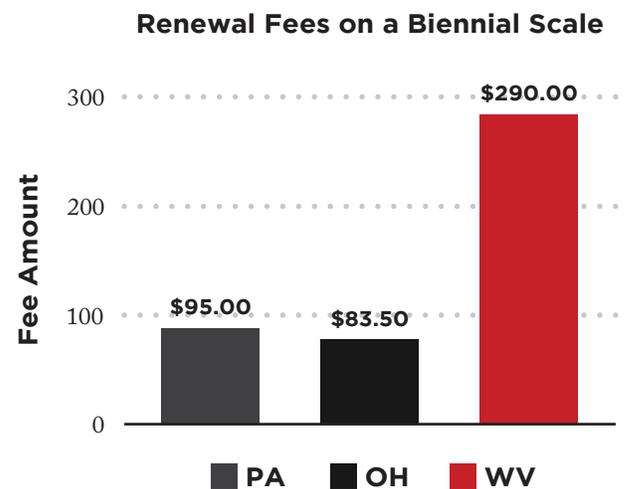
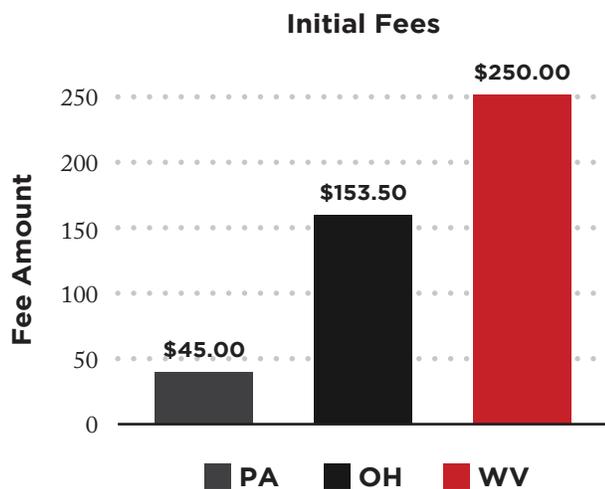
FAMILY-MARRIAGE THERAPIST

LICENSURE REQUIREMENTS

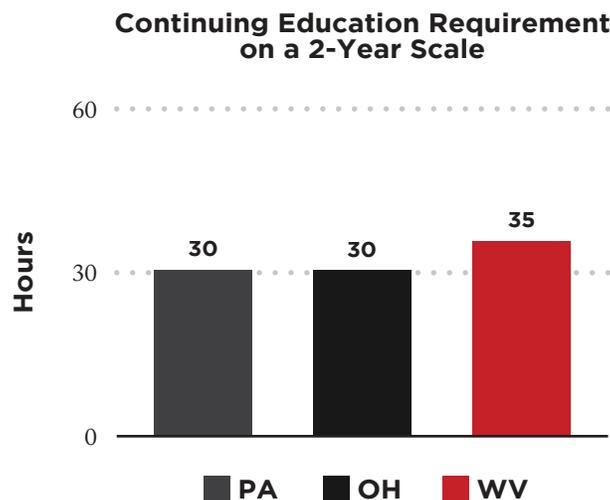
DEGREES REQUIRED: Master's

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$250.00 Initial Fee, \$145.00 Annual Renewal Fee



CONTINUING EDUCATION: 35 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

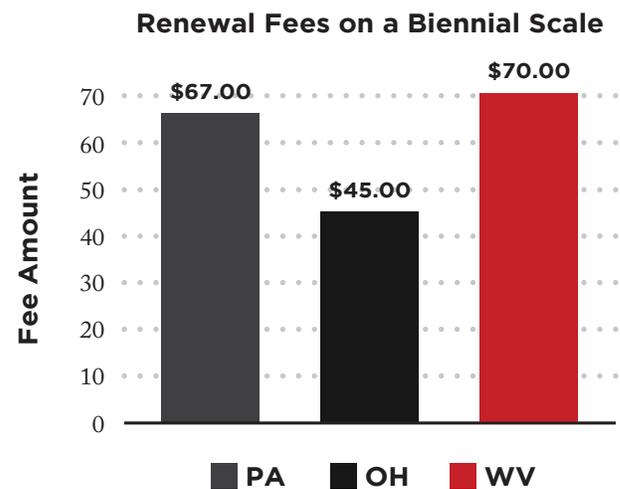
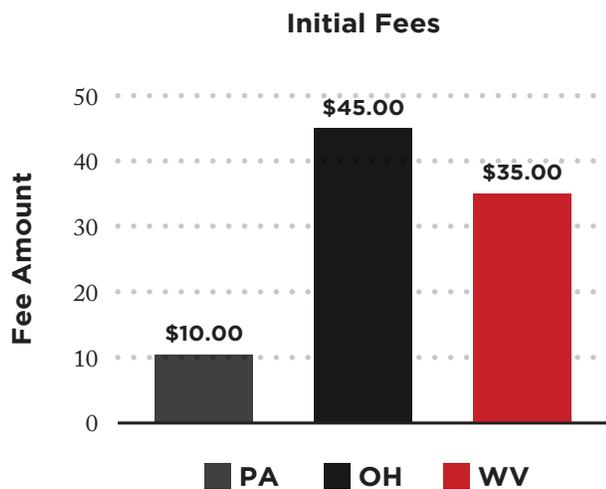
ESTHETICIAN

LICENSURE REQUIREMENTS

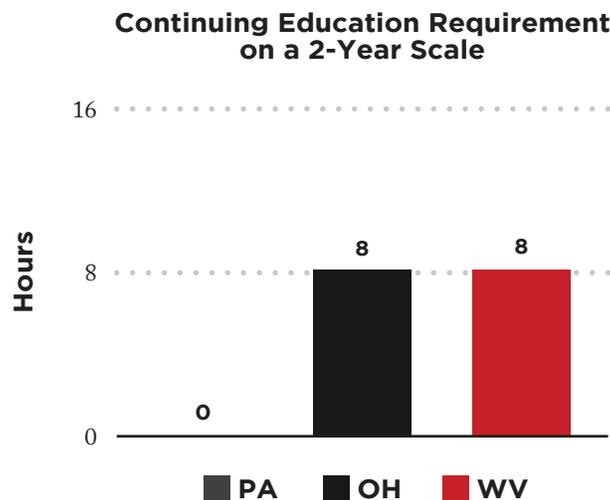
DEGREES REQUIRED: Must have completed the twelfth grade of public school or its equivalent, or has passed an “ability to benefit” test approved by the U.S. Dept. Of Education and be a graduate of a school of cosmetology or graduated from a school of esthetics.

EXAMINATIONS REQUIRED: 3 Examinations (OH and PA require 2 exams)

FEES: \$35.00 Initial Fee, \$35.00 Annual Renewal Fee



CONTINUING EDUCATION: 4 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

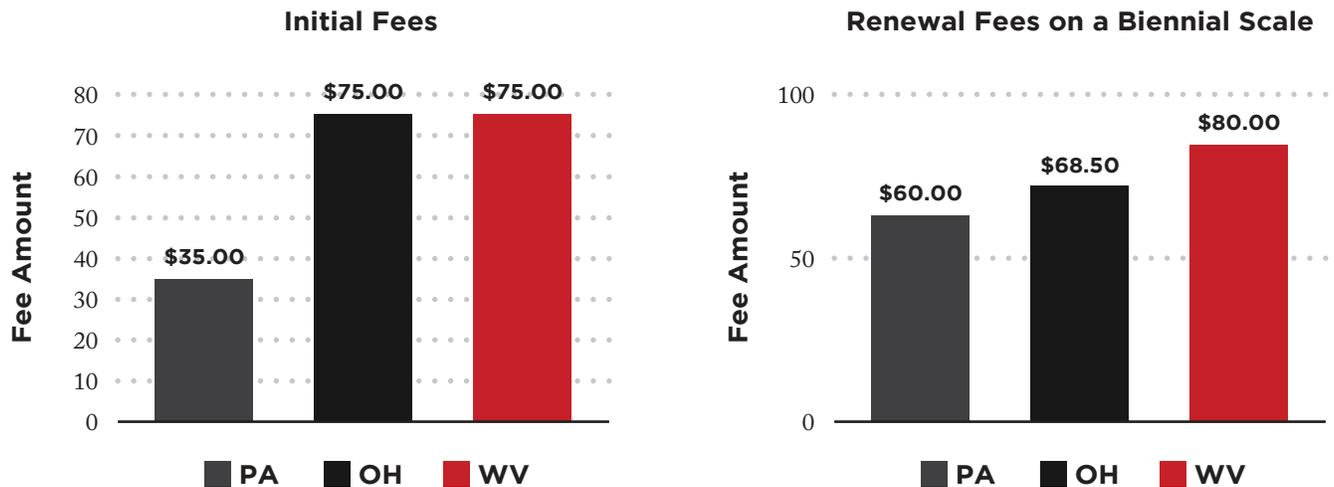
LICENSED PRACTICAL NURSE

LICENSURE REQUIREMENTS

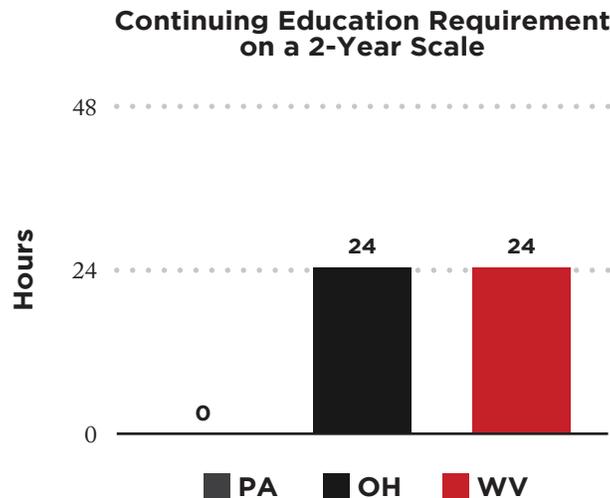
DEGREES REQUIRED: LPN applicants must have a tenth grade education or its equivalent. Completed a course of study in an accredited program of practical nursing as defined by the board.

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$75.00 Initial Fee, \$40.00 Annual Renewal Fee



CONTINUING EDUCATION: 24 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

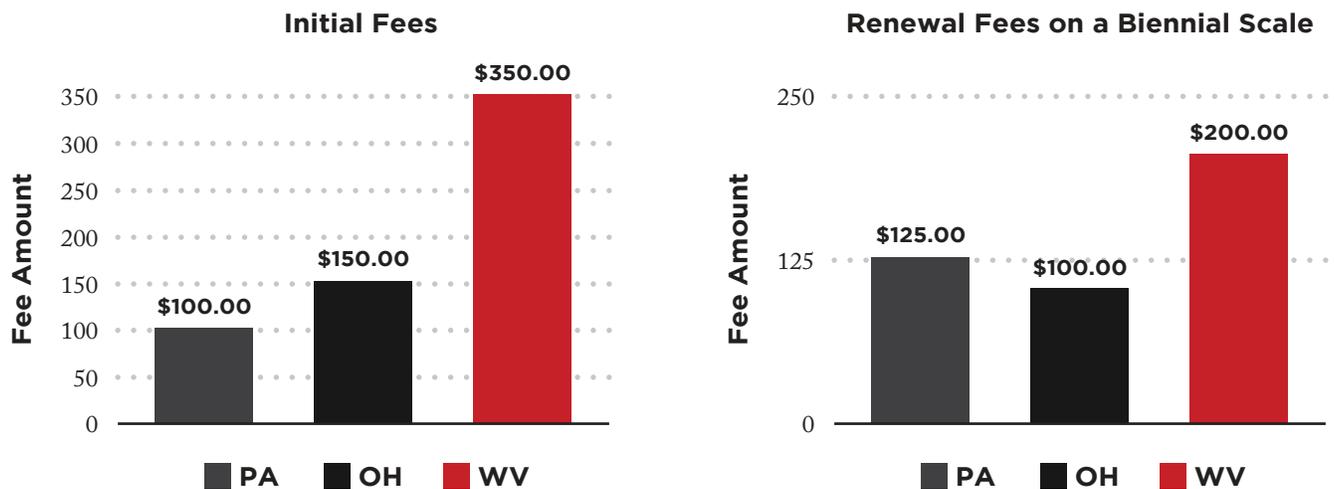
MASSAGE THERAPIST

LICENSURE REQUIREMENTS

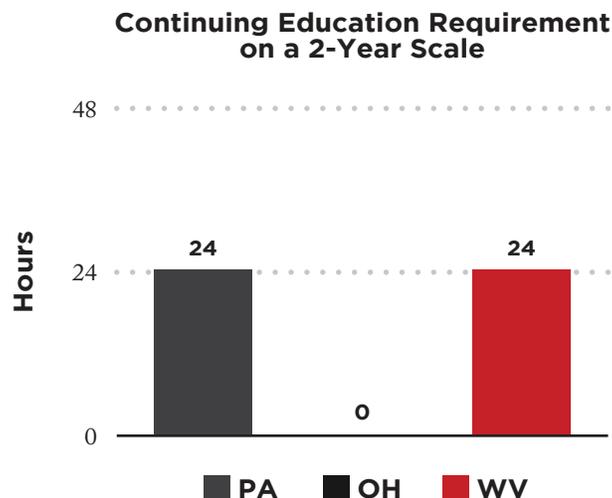
DEGREES REQUIRED: Must have graduated from an approved massage education program with at least 500 hours of supervised academic instruction from an accredited school.

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$350.00 Initial Fee, \$200.00 Biennial Renewal Fee



CONTINUING EDUCATION: 24 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

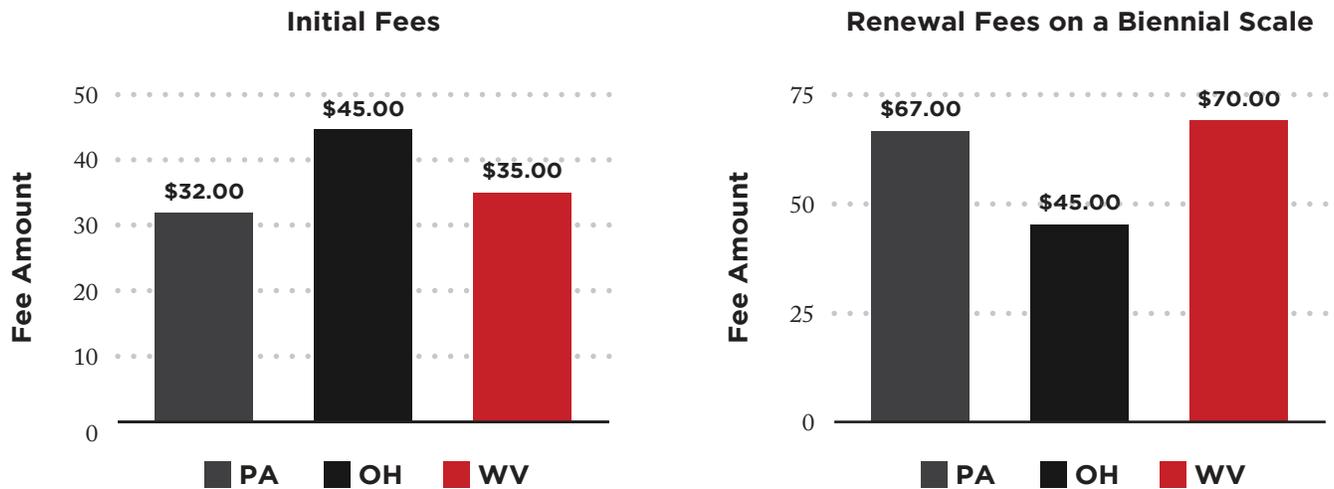
NAIL TECHNICIAN *OH data is for Manicurist

LICENSURE REQUIREMENTS

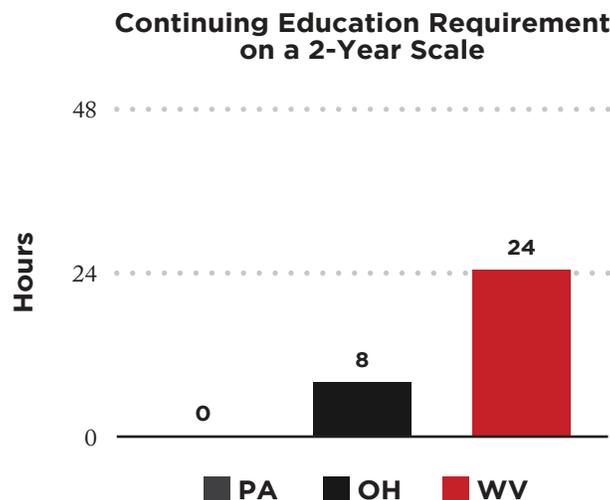
DEGREES REQUIRED: Applicants must have at least the twelfth grade of public school or its equivalent.

EXAMINATIONS REQUIRED: 1 Examination (OH requires 2 exams)

FEES: \$35.00 Initial Fee, \$35.00 Annual Renewal Fee



CONTINUING EDUCATION: 4 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

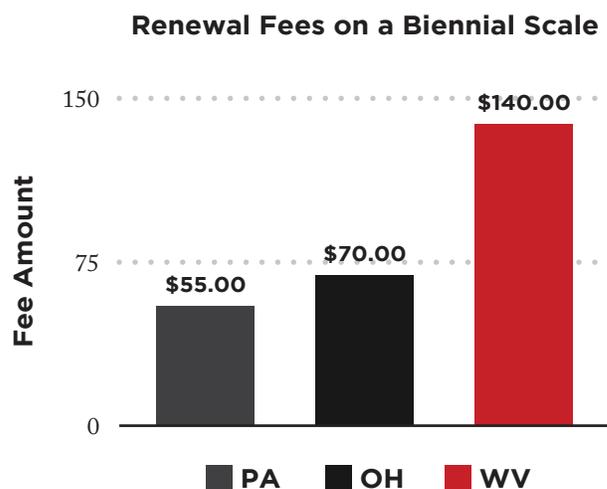
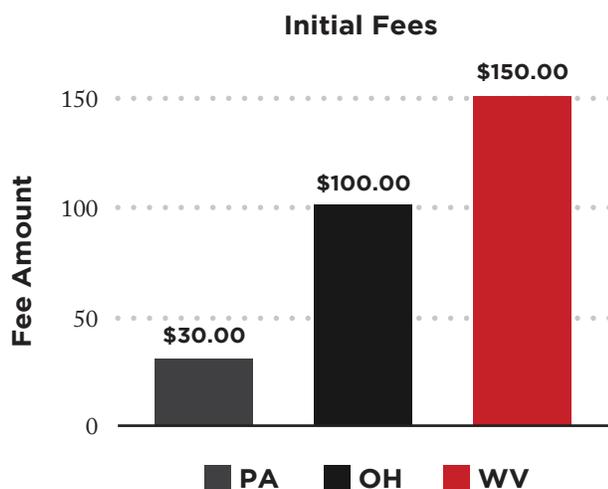
OCCUPATIONAL THERAPIST

LICENSURE REQUIREMENTS

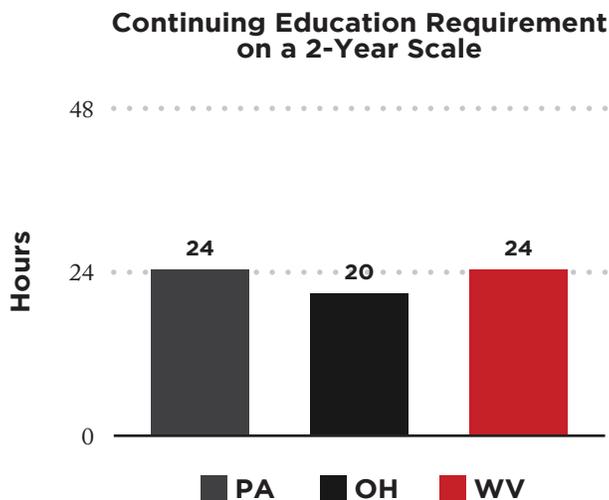
DEGREES REQUIRED: All applicants must be a graduate of an AOTA accredited Master's program, starting in 2027 all AOTA accredited programs will be Doctoral programs.

EXAMINATIONS REQUIRED: 1 Examination (OH requires 2 exams)

FEES: \$150.00 Initial Fee, \$140.00 Biennial Renewal Fee



CONTINUING EDUCATION: 24 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

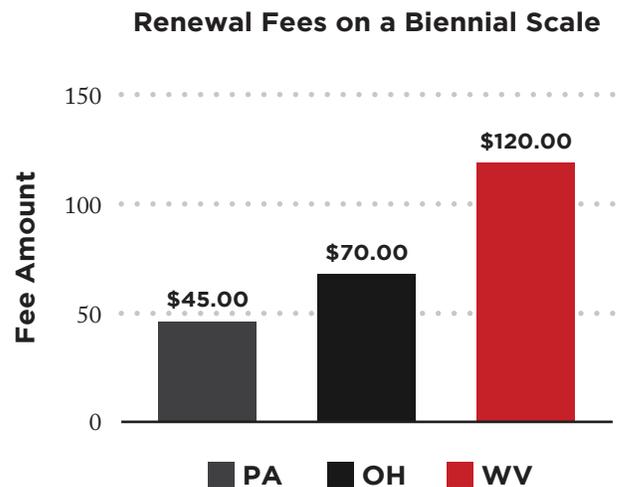
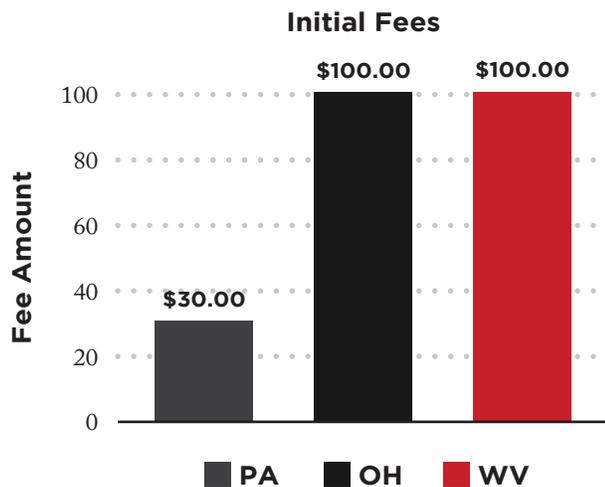
OCCUPATIONAL THERAPIST ASSISTANT

LICENSURE REQUIREMENTS

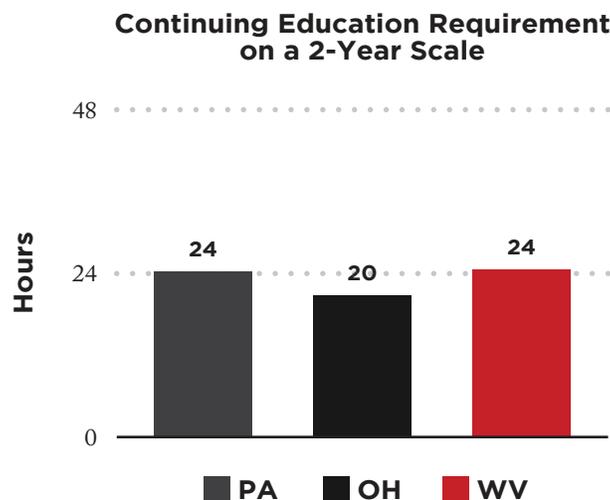
DEGREES REQUIRED: Applicant must be a graduate of an AOTA accredited Associate's program, starting in 2027 all AOTA accredited programs will be Baccalaureate's programs.

EXAMINATIONS REQUIRED: 1 Examination (OH requires 2 exams)

FEES: \$100.00 Initial Fee, \$120.00 Biennial Renewal Fee



CONTINUING EDUCATION: 24 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

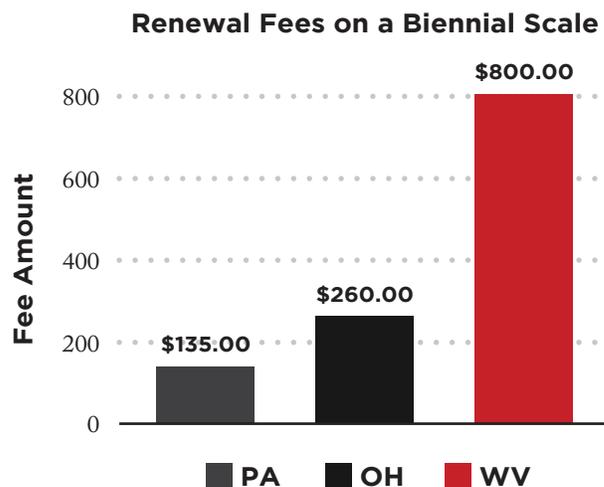
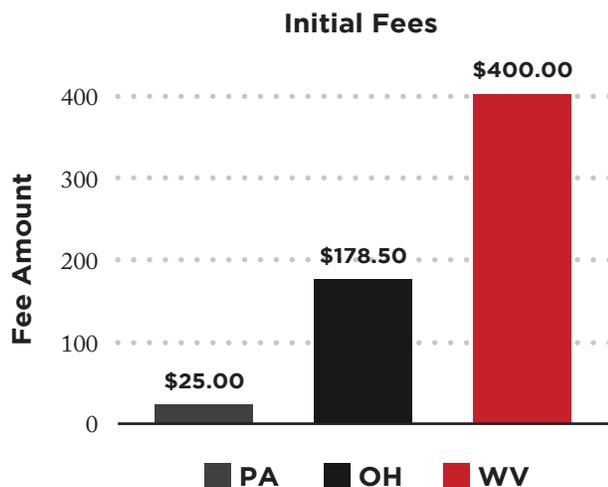
OPTOMETRIST

LICENSURE REQUIREMENTS

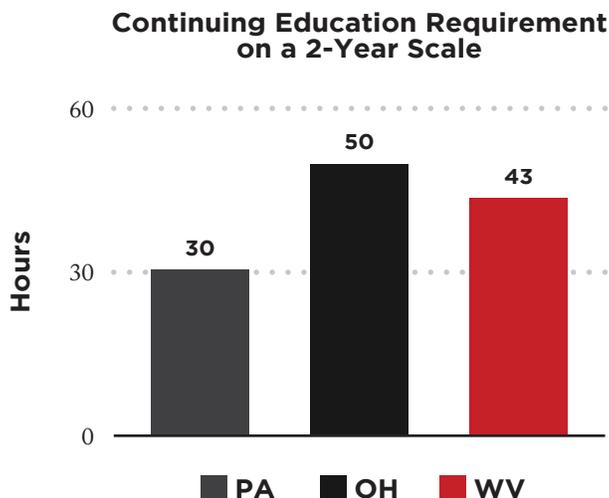
DEGREES REQUIRED: Applicant must be a graduate from a school approved by the Accreditation Council on Optometric Education or successor organization.

EXAMINATIONS REQUIRED: 1 Examination (OH and PA require 2 exams)

FEES: \$400.00 Initial Fee, \$400.00 Annual Renewal Fee



CONTINUING EDUCATION: 43 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

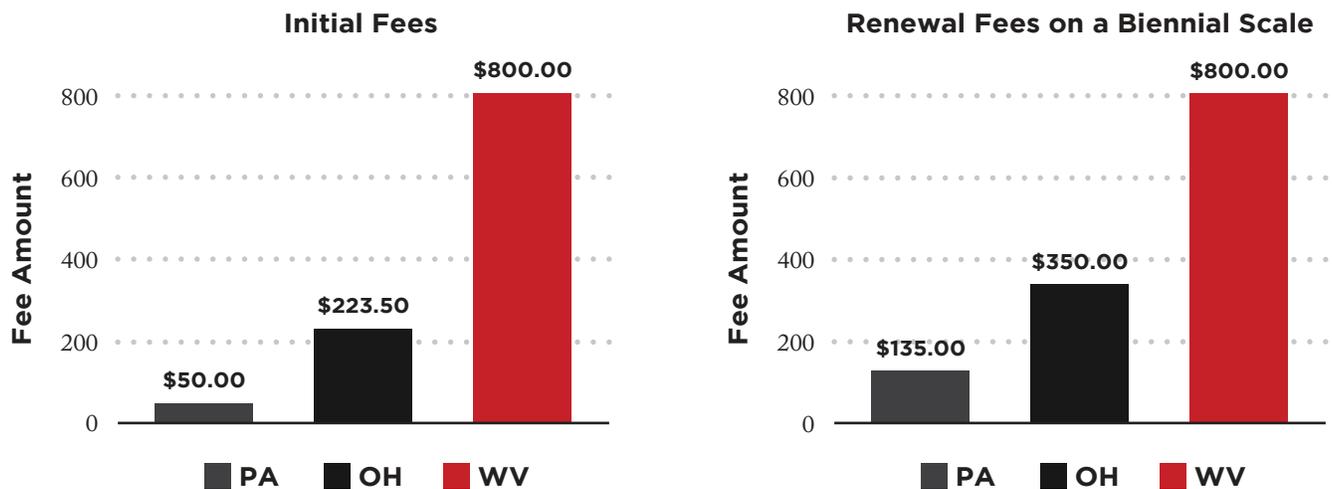
OPTOMETRIST - THERAPEUTICS

LICENSURE REQUIREMENTS

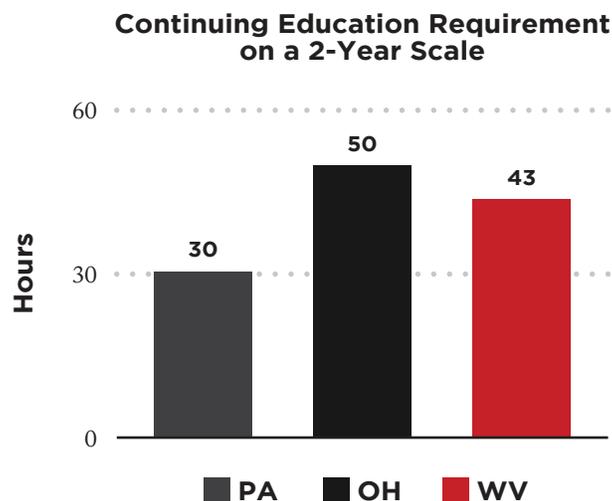
DEGREES REQUIRED: Applicant must be a graduate from a school approved by the Accreditation Council on Optometric Education or successor organization. With the completion of an additional course in clinical pharmacology as applied to optometry.

EXAMINATIONS REQUIRED: 1 Examination (OH requires 3 exams, PA requires 2 exams)

FEES: \$800.00 Initial Fee, \$400.00 Annual Renewal Fee



CONTINUING EDUCATION: 43 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

OSTEOPATH PHYSICIAN

LICENSURE REQUIREMENTS

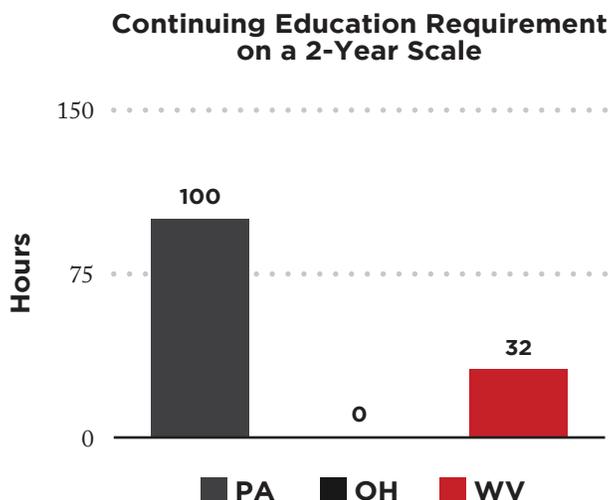
DEGREES REQUIRED: Doctor of Osteopathic Medicine, a graduation from a medical school approved by the American Osteopathic Association.

EXAMINATIONS REQUIRED: 1 Examination (PA requires 2 exams. Ohio does not have a separate licensing board for Osteopathic Medicine and only offer Physicians Licensure.)

FEES: \$400.00 Initial Fee, \$400.00 Biennial Renewal Fee



CONTINUING EDUCATION: 32 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

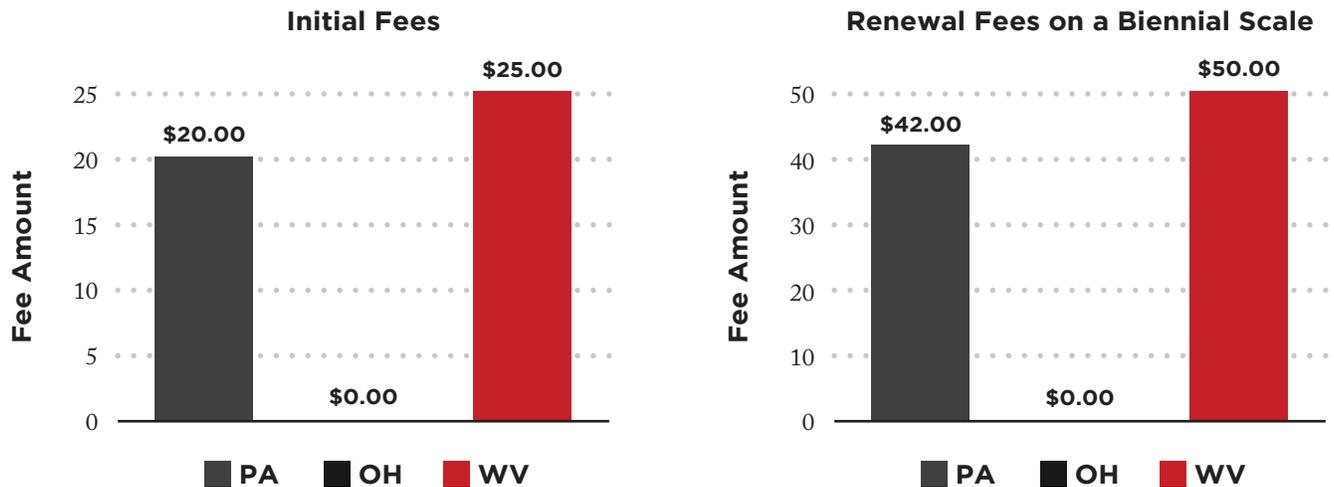
PUBLIC HEALTH DENTAL HYGIENE PRACTITIONER

LICENSURE REQUIREMENTS

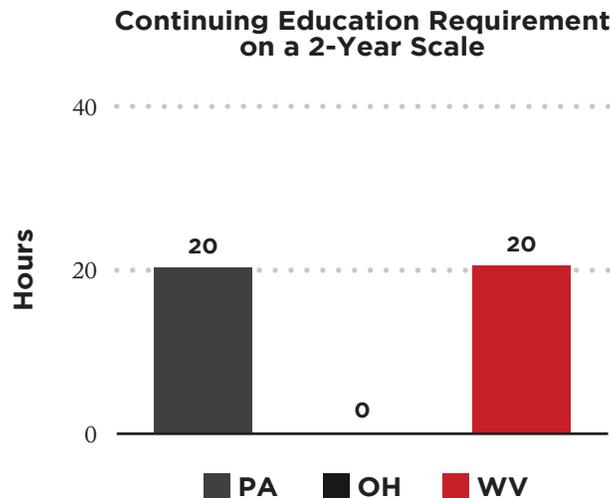
DEGREES REQUIRED: Must be a licensed dental hygienist.

EXAMINATIONS REQUIRED: 0 Examinations (WV and PA require 0 additional exams to become a Public Dental Health Practitioner but applicants must be a licensed Dental Hygienist. Ohio does not have a license called Public Dental Health Practitioner through the Ohio State Dental Board.)

FEES: \$25.00 Initial Fee, \$25.00 Annual Renewal Fee



CONTINUING EDUCATION: 20 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: No

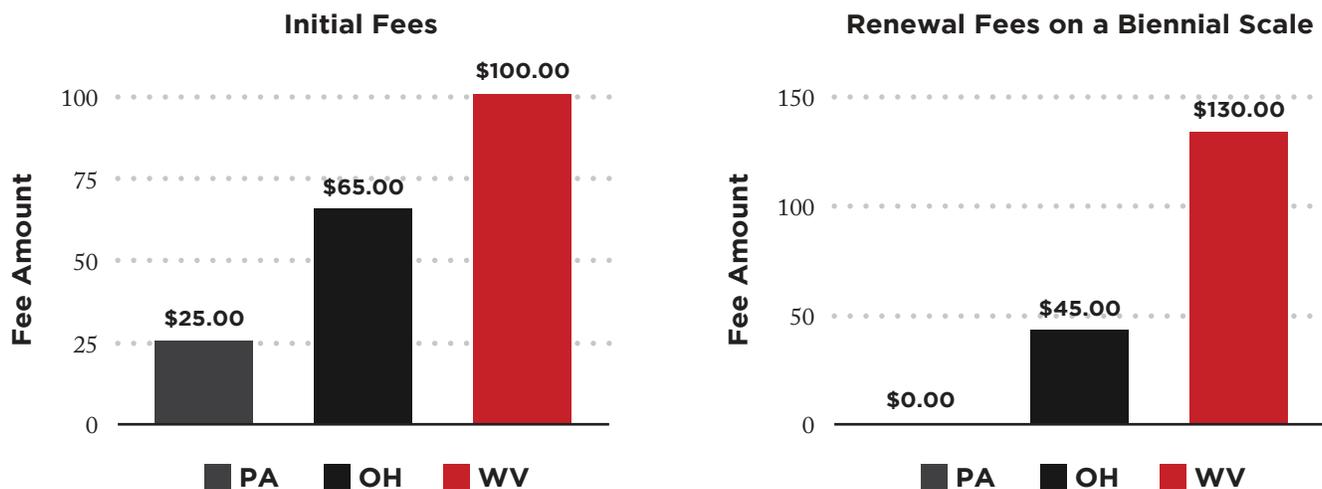
RADIOLOGIC TECHNOLOGIST

LICENSURE REQUIREMENTS

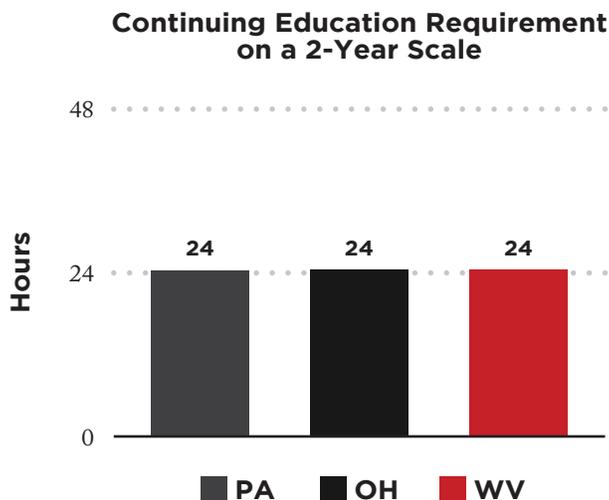
DEGREES REQUIRED: Associate's Degree—Must be a graduate from an accredited program by American Registry of Radiologic Technologists (ARRT) or The Nuclear Medicine Technology Certification Board (NMTCB).

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$100.00 Initial Fee, \$65.00 Annual Renewal Fee



CONTINUING EDUCATION: 24 Hours (Biennial)



ENDORSEMENT/RECIPROCITY: Yes

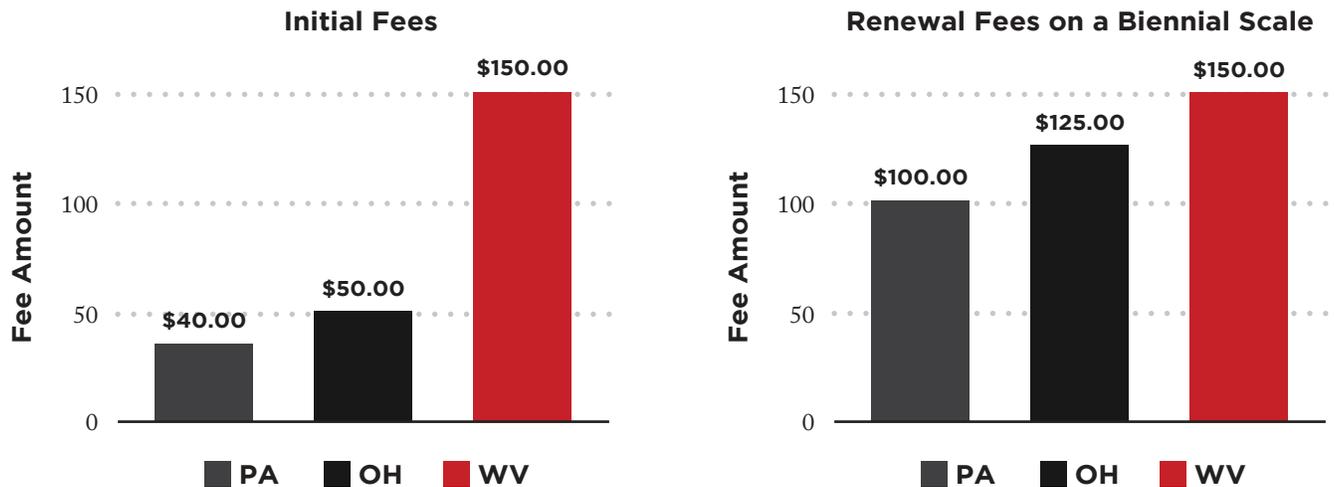
REGISTERED ARCHITECT

LICENSURE REQUIREMENTS

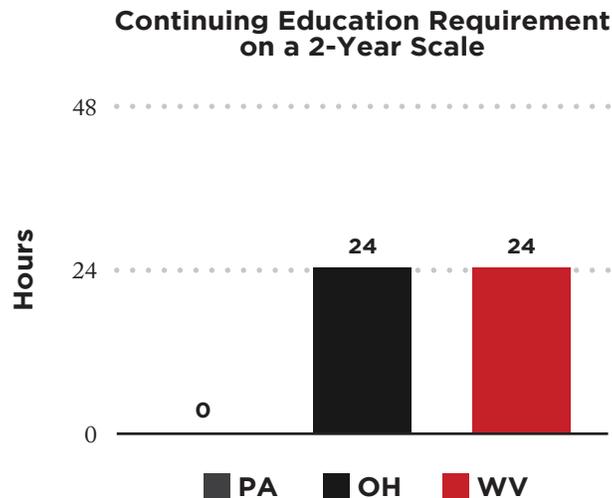
DEGREES REQUIRED: Hold a professional degree in architecture from a degree program that has been accredited by the National Architectural Accreditation Board.

EXAMINATIONS REQUIRED: 1 Examination

FEES: \$150.00 Initial Fee, \$75.00 Annual Renewal Fee



CONTINUING EDUCATION: 12 Hours (Annual)



ENDORSEMENT/RECIPROCITY: Yes

ROADMAP FOR OCCUPATIONAL LICENSING REFORM

To improve access to the labor market in West Virginia, policymakers have several options to move forward with reform and be more competitive with the bordering states of Pennsylvania and Ohio as well as nationwide.

SOME EXAMPLES OF REFORM INCLUDE:

- Arizona granted universal recognition of out-of-state licenses in April 2019.¹
- Pennsylvania and Montana created pathways for out-of-state license recognition.²
- Arizona and Tennessee passed the Right to Earn a Living Act— placing the burden upon the state to make the case that occupational licensing is necessary for consumer safety.³
- Idaho, Nebraska, and Ohio have all added new sunset review processes to review occupational licensing in the state.⁴
- New Mexico initiated the Occupational Licensing Consumer Choice Act via executive order, but no legislation has been passed. A similar bill has been put forward in West Virginia. The law would allow consumers to obtain services from unlicensed professionals so long as professionals share information about their training with consumers.⁵

FOOTNOTES:

1. <https://azgovernor.gov/governor/news/2019/04/arizona-becomes-first-state-establish-universal-recognition-occupational>
2. <https://www.media.pa.gov/Pages/Military-and-Veteran-Affairs-Details.aspx?newsid=396> ; <https://legiscan.com/MT/bill/HB105/2019>
3. <https://azgovernor.gov/governor/news/2017/04/governor-ducey-signs-bill-guaranteeing-right-earn-living> ; <https://trackbill.com/bill/tennessee-house-bill-2201-professions-and-occupations-as-enacted-enacts-the-right-to-earn-a-living-act-amends-tca-title-4-title-7-title-38-title-62-title-63-and-title-67/1238736/>
4. https://www.idahopress.com/news/local/little-signs-licensing-freedom-and-red-tape-reduction-executive-orders/article_0afb544d-7620-54c1-83e7-8cc11616d3d1.html ; <https://governor.nebraska.gov/press/gov-ricketts-signs-occupational-licensing-reform-legislation> ; <https://www.forbes.com/sites/nicksibilla/2019/01/09/new-ohio-law-takes-aim-at-occupational-licenses-which-cost-state-6-billion/#4eea5dab6e95>
5. <https://www.krwg.org/post/martinez-issues-executive-order-implementing-comprehensive-occupational-licensing-reform> ; http://www.wvlegislature.gov/Bill_Status/bills_history.cf m?year=2019&sessiontype=RS&input=2697

Presented by the Knee Center for the
Study of Occupational Regulation

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