
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 174 Session of
1995

INTRODUCED BY LLOYD, CIVERA, LAUGHLIN, GORDNER, VANCE, KUKOVICH,
MUNDY, MILLER, FARGO, STURLA, DeLUCA, McCALL, STABACK, PESCI,
HUTCHINSON, DALEY, STETLER, TRELLO, WAUGH, HALUSKA, STEELMAN,
JOSEPHS, VAN HORNE, BELARDI, FAIRCHILD, PETRONE AND BATTISTO,
JANUARY 23, 1995

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 23, 1995

AN ACT

1 Requiring certain information to be solicited in connection with
2 the consideration of legislation by the General Assembly; and
3 providing for the licensing, registration and certification
4 of members of an occupation or profession.

5 The General Assembly of the Commonwealth hereby enacts as
6 follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Sunrise Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Committee." The committee in the Senate and the House of
14 Representatives to which proposed legislation to regulate
15 occupations and professions is referred.

16 "Legislation." A bill or an amendment to a bill.

17 Section 3. Legislative findings.

1 The General Assembly finds and declares as follows:

2 (1) Regulation should be imposed on an occupation or
3 profession only when necessary to the protection of the
4 public interest.

5 (2) Establishing a system for reviewing the necessity of
6 regulating an occupation or profession prior to enacting laws
7 for such regulation will better enable it to evaluate the
8 need for the regulation and to determine the least
9 restrictive regulatory alternative consistent with the public
10 interest.

11 (3) Expanding the scope of practice of an occupation or
12 profession necessitates a systematic review of the impact of
13 the proposed expansion on the health, safety and welfare of
14 the public.

15 Section 4. Sunrise evaluation report.

16 Neither house of the General Assembly shall vote on any
17 legislation which proposes the regulation of any unregulated
18 professional or occupational group or which proposes to expand
19 the scope of practice of any regulated professional or
20 occupational group until the Legislative Budget and Finance
21 Committee has submitted to the committee of the house in which
22 the legislation originated a Sunrise Evaluation Report
23 containing at least the following:

24 (1) The name, address, telephone number and
25 representative of organizations known to be advocating or
26 opposing the legislation.

27 (2) The extent to which members of the general public
28 are advocating or opposing the legislation.

29 (3) The number of Pennsylvania practitioners in each
30 organization which advocates or opposes the legislation.

1 (4) The position of the Governor or a designated
2 representative on the legislation.

3 (5) The functions performed by the occupation or
4 profession which the legislation proposes to regulate or
5 whose scope of practice the legislation proposes to expand,
6 including the extent to which practitioners of this
7 occupation or profession work under supervision and the
8 nature of that supervision, the degree of independent
9 judgment which they are required to exercise, the level of
10 skill and experience required to exercise that judgment and
11 the level of education and experience which they possess.

12 (6) Any current statutory or case law which limits what
13 practitioners of this occupation or profession are permitted
14 to do or how they are permitted to hold themselves out to the
15 public.

16 (7) The extent to which the functions which the
17 legislation proposes to authorize for practitioners of this
18 occupation or profession differ from similar functions
19 performed by practitioners of other occupations or
20 professions.

21 (8) The client group with which practitioners of this
22 occupation or profession deal or would deal and the degree to
23 which these clients have the knowledge and the opportunity to
24 evaluate the qualifications of practitioners of this
25 occupation or profession.

26 (9) A description and examples of the typical work
27 settings of practitioners of this occupation or profession.

28 (10) The public's need for the services of the
29 practitioners of this occupation or profession or for the
30 expanded scope of practice of practitioners of this

1 occupation or profession.

2 (11) Whether the legislation proposes to license,
3 certify, register or otherwise regulate this occupation or
4 profession.

5 (12) Whether persons who are not so licensed, certified,
6 registered or otherwise regulated would be prohibited from
7 performing the functions which practitioners of this
8 occupation or profession would be permitted to perform or
9 from holding themselves out to the public in the manner in
10 which practitioners of this occupation or profession so
11 licensed, certified, registered or otherwise regulated would
12 be permitted to hold themselves out.

13 (13) The impact of the legislation on the supply of
14 practitioners of this occupation or profession, including the
15 degree to which existing practitioners would be precluded
16 from practice.

17 (14) The effect of the legislation on the cost of the
18 goods or services provided by practitioners of this
19 occupation or profession.

20 (15) The physical, emotional or financial harm to
21 clients because of inappropriate, erroneous or incompetent
22 service by practitioners of this occupation or profession.

23 (16) Whether clients have direct access to practitioners
24 of this occupation or profession.

25 (17) Whether the legislation would have the effect of
26 making practitioners of this occupation or profession
27 eligible for third party insurance payments or government
28 grants for which they are currently ineligible.

29 (18) The minimum education, experience and examination
30 requirements proposed in the legislation, including a

1 comparison of those minimum requirements to the minimum
2 requirements in other states, the adequacy of those minimum
3 requirements and the rationale for any exemptions or waivers
4 from those minimum requirements.

5 (19) The institutions offering accredited and non-
6 accredited programs to prepare practitioners to enter this
7 occupation or profession or to exercise the functions which
8 would be authorized by the expanded scope of practice.

9 (20) The requirements for renewal of a license,
10 certificate, registration or other form of regulation,
11 including continuing education.

12 (21) The extent to which a private organization provides
13 credentials to, sets standards for, or imposes sanctions on
14 practitioners of this occupation or profession.

15 (22) The extent to which amendments to, or stronger
16 enforcement of, existing statutes are an alternative to the
17 legislation.

18 (23) If the legislation would create a new board or
19 commission, the extent to which this occupation or profession
20 could be regulated by an existing board or commission.

21 (24) The estimated biennial fiscal impact of the
22 legislation.

23 Section 5. Committee duties.

24 (a) Request for reports.--After legislation has been
25 introduced to regulate any unregulated professional or
26 occupational group or to expand the scope of practice of any
27 regulated professional or occupational group, the committee of
28 the house in which the legislation has been introduced may
29 request a sunrise evaluation report from the Legislative Budget
30 and Finance Committee. The Legislative Budget and Finance

1 Committee shall submit such a sunrise evaluation report to the
2 committee within 18 months of the request.

3 (b) Public hearing.--After receiving the sunrise evaluation
4 report and prior to voting on the legislation, the committee
5 shall conduct at least one public hearing to receive testimony
6 from the public, the Legislative Budget and Finance Committee
7 and organizations advocating or opposing the legislation.

8 (c) Committee determination.--If the committee votes in
9 favor of the legislation, the committee shall submit a report to
10 the General Assembly setting forth its findings as to:

11 (1) The effect of the legislation on the health, safety
12 and welfare of the public.

13 (2) The effect of the legislation on other professions
14 and occupations.

15 (3) The public's need for the legislation.

16 (4) The reasons why alternatives to regulating an
17 unregulated profession or occupation or expanding the scope
18 of practice of a regulated profession or occupation are not
19 adequate.

20 Section 6. Effective date.

21 This act shall take effect immediately.