
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 413

Session of
1985

INTRODUCED BY DAWIDA, BOOK, GODSHALL, BATTISTO, SHOWERS, GAMBLE,
KUKOVICH, AFFLERBACH, COLAFELLA, BELFANTI, WOZNIAK,
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FEBRUARY 26, 1985

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 26, 1985

AN ACT

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

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

7 Section 1. Referral of certain bills to Professional Licensure
8 Committee.

9 The House of Representatives and the Senate shall not give
10 second consideration reading to any bill which requires the
11 licensing, registration or certification of the members of a
12 profession or occupation until it has first been referred to the
13 Professional Licensure Committee of the respective chamber for
14 committee hearings where answers to the following questions
15 shall be solicited from those groups or individuals espousing
16 support for the bill. A record of the responses to these
17 questions shall be kept and shall be available for public

1 inspection and for the information of the members:

2 (1) Has the public been harmed because the professional
3 or occupational group has not been regulated?

4 (i) To what extent has the public's health, safety,
5 or economic well-being been harmed?

6 (ii) Can the claims of proponents of regulation be
7 documented?

8 (2) Who are the users of services offered?

9 (i) Are they members of the general public who lack
10 knowledge necessary to evaluate qualifications of those
11 offering services?

12 (ii) Are there institutions or qualified
13 professionals who have the knowledge to evaluate
14 qualifications?

15 (3) What is the extent of autonomy of practitioners?

16 (i) Is there a high degree of independent judgment
17 required of practitioners?

18 (ii) How much skill and experience are required in
19 making these judgments?

20 (iii) Do practitioners customarily work on their own
21 or under supervision?

22 (iv) If supervised, is supervisor covered by
23 regulatory statute?

24 (4) (i) Has the occupational group established a code
25 of ethics?

26 (ii) To what extent has it been accepted and
27 enforced?

28 (5) (i) Has the occupational group established
29 complaint-handling procedures for resolving disputes
30 between practitioners and public?

1 (ii) How effective has this been?

2 (6) Has a nongovernmental certification program been
3 established to assist the public in identifying qualified
4 practitioners?

5 (7) Could the use of applicable statutes or existing
6 standards solve problems? Please address:

7 (i) Use of unfair and deceptive trade practices
8 laws.

9 (ii) Use of civil laws such as injunctions, cease
10 and desist orders.

11 (iii) Use of criminal laws such as prohibitions
12 against cheating, false pretenses and deceptive
13 advertising.

14 (iv) Use of existing standards such as construction
15 codes and product safety standards.

16 (8) Would strengthening existing statutes or standards
17 deal with the problem?

18 (9) Have alternatives to licensure been considered?
19 Please address:

20 (i) Use of an existing agency under legislative
21 control.

22 (ii) Regulation of business employer rather than
23 individual practitioner, e.g., licensing restaurants
24 rather than cooks or waiters or waitresses.

25 (iii) Registration of practitioners coupled with
26 minimum standards set by State agency.

27 (iv) Certification of practitioners, thereby
28 restricting use of title to those who have demonstrated
29 competence.

30 (10) Why would licensing be more effective?

1 (11) How will regulation help public identify qualified
2 practitioners?

3 (12) How will regulation assure that practitioners are
4 competent?

5 (i) What standards are proposed for granting
6 credentials?

7 (ii) Are all standards job related?

8 (iii) How do these standards compare with those of
9 other states?

10 (iv) If standards differ from those of other states,
11 can the difference be justified?

12 (v) Are there training and experience requirements?

13 (A) Are these requirements of equal duration
14 when compared with other states?

15 (B) Does training include supervised field
16 experience? If so, is an additional experience
17 requirement justified?

18 (vi) Are there restrictions on where or how
19 experience may be acquired? Why?

20 (vii) Will alternative routes of entry be
21 recognized?

22 (A) Will applicants who have not gone through
23 prescribed training or experience or both be eligible
24 for licensure or certification?

25 (B) Will licensure or certification in another
26 state automatically allow an individual to be
27 credentialed in this Commonwealth?

28 (viii) Will applicants for licensure, registration
29 or certification be required to pass an examination?

30 (A) Does an examination already exist?

1 (B) Does it meet professional and legal testing
2 standards?

3 (C) If no test exists, who will develop it and
4 how will development cost be met?

5 (ix) Is there a "grandfather" clause in licensure?

6 (A) Why is it necessary?

7 (B) Will such practitioners be required to take
8 a test at a later date?

9 (13) What assurance will the public have that the
10 individuals credentialed by the Commonwealth have maintained
11 their competence?

12 (i) Will license or certificate carry expiration
13 date?

14 (ii) Will renewal be based solely on payment of fee?

15 (iii) Will renewal require periodic examination,
16 peer review, evidence of continuing education or other
17 procedures for continued competence?

18 (14) What grounds will there be for suspension or
19 revocation of credentials?

20 (15) Will regulation increase costs of goods and
21 services to consumers?

22 (16) Will regulation decrease availability of
23 practitioners?

24 (17) Who is sponsoring the regulatory program?

25 (i) Are members of the public sponsoring regulatory
26 programs?

27 (ii) What associations, organizations or other
28 groups in the State represent practitioners?

29 (iii) Approximately how many practitioners belong to
30 each group?

1 (iv) Which of the above groups are actively involved
2 in sponsoring regulatory programs?

3 (v) Are other groups supporting the effort? If not,
4 why?

5 (18) Why is regulation being sought?

6 (i) (A) Is the professional or occupational group
7 claiming it is prevented from rendering services for
8 which its members are qualified by "scope of
9 practice" statement of another occupation?

10 (B) If so, what efforts have been made to
11 resolve differences?

12 (ii) Is the professional or occupational group
13 seeking licensure in order to gain reimbursement under
14 Federal-State programs or private insurers, e.g.,
15 Medicare or Blue Cross?

16 (iii) Is the public seeking greater accountability
17 of the professional or occupational group?

18 Section 2. Certain laws void.

19 Any law enacted by the General Assembly which does not meet
20 the requirements of this act shall be void and unenforceable.

21 Section 3. Effective date.

22 This act shall take effect in 30 days.