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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 378 Session of  
2001

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INTRODUCED BY MUNDY, ROONEY, GORDNER, CAPPABIANCA, CORRIGAN,  
FLICK, COY, CALTAGIRONE, LAUGHLIN, TIGUE, FREEMAN, STABACK,  
BELFANTI, SOLOBAY, McCALL, SHANER, MANDERINO AND FRANKEL,  
JANUARY 31, 2001

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
JANUARY 31, 2001

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AN ACT

1 Requiring certain information to be solicited in connection with  
2 the consideration of professional licensure legislation.

3 The General Assembly of the Commonwealth hereby enacts as  
4 follows:

5 Section 1. Short title.

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

7 Section 2. Legislative findings.

8 The General Assembly finds and declares as follows:

9 (1) Regulation should be imposed on an occupation or  
10 profession only when necessary to the protection of the  
11 public interest.

12 (2) Establishing a system for reviewing the necessity of  
13 regulating an occupation or profession prior to enacting laws  
14 for regulation under paragraph (1) will better enable it to  
15 evaluate the need for the regulation and to determine the  
16 least restrictive regulatory alternative consistent with the

1 public interest.

2 (3) Expanding the scope of practice of an occupation or  
3 profession necessitates a systematic review of the impact of  
4 the proposed expansion on the health, safety and welfare of  
5 the public.

6 Section 3. Definitions.

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

10 "Committee." The committee in the Senate and the House of  
11 Representatives to which proposed legislation to regulate  
12 occupations and professions is referred.

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

14 Section 4. Sunrise evaluation report.

15 Neither chamber of the General Assembly shall vote on a bill  
16 or an amendment which proposes the regulation of any unregulated  
17 professional or occupational group or which proposes to expand  
18 the scope of practice of a regulated professional or  
19 occupational group until the Legislative Budget and Finance  
20 Committee has submitted to the committee of the chamber in which  
21 the bill originated or the amendment offered a sunrise  
22 evaluation report containing at least the following:

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

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

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

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

3           (5) The functions performed by the occupation or  
4 profession which the legislation proposes to regulate or the  
5 scope of practice which the legislation proposes to expand,  
6 including the extent to which practitioners of this  
7 occupation or profession work under supervision, the nature  
8 of that supervision, the degree of independent judgment which  
9 they are required to exercise, the level of skill and  
10 experience required to exercise that judgment and the level  
11 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 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  
11 licensed, certified, registered or otherwise regulated would  
12 be permitted to hold themselves out.

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

17 (14) The effect of the proposed legislation on the cost  
18 of the 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 proposed legislation would have the  
26 effect of making practitioners of this occupation or  
27 profession eligible for third-party insurance payments or  
28 government 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 stronger enforcement of  
16 existing statutes is an alternative to the proposed  
17 legislation.

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

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

24 Section 5. Committee duties.

25 (a) Request for reports.--After proposed legislation has  
26 been introduced to regulate an unregulated professional or  
27 occupational group or to expand the scope of practice of a  
28 regulated professional or occupational group, the committee of  
29 the chamber in which the bill has been introduced or the  
30 amendment has been offered may request a sunrise evaluation

1 report from the Legislative Budget and Finance Committee. The  
2 Legislative Budget and Finance Committee shall submit such a  
3 sunrise evaluation report to the committee within 18 months of  
4 the request.

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

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

14 (1) The effect of the proposed legislation on the  
15 health, safety and welfare of the public.

16 (2) The effect of the proposed legislation on other  
17 professions and occupations.

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

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

23 Section 6. Effective date.

24 This act shall take effect immediately.