

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 26

Session of
1981

INTRODUCED BY DAWIDA, MAIALE, McVERRY, HOEFFEL, WACHOB, PERZEL,
PRATT, MRKONIC, PENDLETON, RAPPAPORT, ALDEN, TELEK, COHEN,
SWEET, MICHLOVIC, PISTELLA, LETTERMAN AND MURPHY,
MARCH 10, 1981

REFERRED TO COMMITTEE ON RULES, MARCH 10, 1981

In the House of Representatives, March 10, 1981

1 RESOLVED, That the House Rules be amended by adding a rule to
2 read:

3 RULE 19 (b)

4 Professional Licensure Bills

5 No bill which requires the licensing, registration or
6 certification of the members of a profession or occupation shall
7 be given second consideration reading on the calendar until it
8 has first been referred to the Professional Licensure Committee
9 for committee hearings where answers to the following questions
10 shall be solicited from those groups or individuals espousing
11 support for the bill. A record of the responses to these
12 questions shall be kept and shall be available for public
13 inspection and for the information of the members:

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

16 (a) To what extent has the public's health, safety, or

1 economic well-being been harmed?

2 (b) Can the claims of proponents of regulation be
3 documented?

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

5 (a) Are they members of the general public who lack
6 knowledge necessary to evaluate qualifications of those offering
7 services?

8 (b) Are there institutions or qualified professionals who
9 have the knowledge to evaluate qualifications?

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

11 (a) Is there a high degree of independent judgment required
12 of practitioners?

13 (b) How much skill and experience are required in making
14 these judgments?

15 (c) Do practitioners customarily work on their own or under
16 supervision?

17 (d) If supervised, is supervisor covered by regulatory
18 statute?

19 (4) (a) Has the occupational group established a code of
20 ethics?

21 (b) To what extent has it been accepted and enforced?

22 (5) (a) Has the occupational group established complaint-
23 handling procedures for resolving disputes between practitioners
24 and public?

25 (b) How effective has this been?

26 (6) Has a nongovernmental certification program been
27 established to assist the public in identifying qualified
28 practitioners?

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

1 (a) Use of unfair and deceptive trade practices laws.

2 (b) Use of civil laws such as injunctions, cease and desist
3 orders.

4 (c) Use of criminal laws such as prohibitions against
5 cheating, false pretenses, deceptive advertising.

6 (d) Use of existing standards such as construction codes,
7 product safety standards.

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

10 (9) Have alternatives to licensure been considered? Please
11 address:

12 (a) Use of an existing agency under legislative control.

13 (b) Regulation of business employer rather than individual
14 practitioner, e.g., licensing restaurants rather than cooks or
15 waiters or waitresses.

16 (c) Registration of practitioners coupled with minimum
17 standards set by State agency.

18 (d) Certification of practitioners, thereby restricting use
19 of title to those who have demonstrated competence.

20 (10) Why would licensing be more effective?

21 (11) How will regulation help public identify qualified
22 practitioners?

23 (12) How will regulation assure that practitioners are
24 competent?

25 (a) What standards are proposed for granting credentials?

26 (b) Are all standards job related?

27 (c) How do these standards compare with those of other
28 states?

29 (d) If standards differ from those of other states, can the
30 difference be justified?

1 (e) Are there training and experience requirements?

2 (i) Are these requirements of equal duration when compared
3 with other states?

4 (ii) Does training include supervised field experience? If
5 so, is an additional experience requirement justified?

6 (f) Are there restrictions on where or how experience may be
7 acquired? Why?

8 (g) Will alternative routes of entry be recognized?

9 (i) Will applicants who have not gone through prescribed
10 training or experience or both be eligible for licensure or
11 certification?

12 (ii) Will licensure or certification in another state
13 automatically allow an individual to be credentialed in this
14 Commonwealth?

15 (h) Will applicants for licensure, registration or
16 certification be required to pass an examination?

17 (i) Does an examination already exist?

18 (ii) Does it meet professional and legal testing standards?

19 (iii) If no test exists, who will develop it and how will
20 development cost be met?

21 (i) Is there a "grandfather" clause in licensure?

22 (i) Why is it necessary?

23 (ii) Will such practitioners be required to take a test at a
24 later date?

25 (13) What assurance will the public have that the
26 individuals credentialed by the Commonwealth have maintained
27 their competence?

28 (a) Will license or certificate carry expiration date?

29 (b) Will renewal be based solely on payment of fee?

30 (c) Will renewal require periodic examination, peer review,

1 evidence of continuing education or other procedures for
2 continued competence?

3 (14) What grounds will there be for suspension or revocation
4 of credentials?

5 (15) Will regulation increase costs of goods and services to
6 consumers?

7 (16) Will regulation decrease availability of practitioners?

8 (17) Who is sponsoring the regulatory program?

9 (a) Are members of the public sponsoring regulatory
10 programs?

11 (b) What associations, organizations, or other groups in the
12 State represent practitioners?

13 (c) Approximately how many practitioners belong to each
14 group?

15 (d) Which of the above groups are actively involved in
16 sponsoring regulatory programs?

17 (e) Are other groups supporting the effort? If not, why?

18 (18) Why is regulation being sought?

19 (a) (i) Is the professional or occupational group claiming
20 it is prevented from rendering services for which its members
21 are qualified by "scope of practice" statement of another
22 occupation?

23 (ii) If so, what efforts have been made to resolve
24 differences?

25 (b) Is the professional or occupational group seeking
26 licensure in order to gain reimbursement under Federal-State
27 Programs or private insurers, e.g., Medicare or Blue Cross?

28 (c) Is the public seeking greater accountability of the
29 professional or occupational group?