
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 566 Session of
1999

INTRODUCED BY MUNDY, FREEMAN, BEBKO-JONES, MASLAND, TIGUE,
BELARDI, PESCI, COY, HORSEY, WOJNAROSKI, LAUGHLIN, SHANER,
HERMAN, MANDERINO, GORDNER, FLICK, CAPPABIANCA, MELIO,
WILLIAMS, STABACK, ROBERTS, CURRY, CLARK, MAHER, JOSEPHS,
DeLUCA, CORRIGAN, COLAFELLA, DALEY, CIVERA, BELFANTI, McCALL,
RAMOS, SCRIMENTI, KIRKLAND, STEELMAN AND M. COHEN,
FEBRUARY 10, 1999

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 10, 1999

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 Professional
7 Licensure Information Act.

8 Section 2. Legislative findings.

9 The General Assembly finds and declares as follows:

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

13 (2) Establishing a system for reviewing the necessity of
14 regulating an occupation or profession prior to enacting laws
15 for regulation under paragraph (1) will better enable it to

1 evaluate the need for the regulation and to determine the
2 least restrictive regulatory alternative consistent with the
3 public interest.

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

8 Section 3. Sunrise evaluation report.

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

18 (1) The name, address, telephone number and
19 representative of organizations known to be advocating or
20 opposing the proposed legislation.

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

23 (3) The number of Pennsylvania practitioners in each
24 organization which advocates or opposes the proposed
25 legislation.

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

28 (5) The functions performed by the occupation or
29 profession which the legislation proposes to regulate or the
30 scope of practice which the legislation proposes to expand,

1 including the extent to which practitioners of this
2 occupation or profession work under supervision, the nature
3 of that supervision, the degree of independent judgment which
4 they are required to exercise, the level of skill and
5 experience required to exercise that judgment and the level
6 of education and experience which they possess.

7 (6) Any current statutory or case law which limits what
8 practitioners of this occupation or profession are permitted
9 to do or how they are permitted to hold themselves out to the
10 public.

11 (7) The extent to which the functions which the
12 legislation proposes to authorize for practitioners of this
13 occupation or profession differ from similar functions
14 performed by practitioners of other occupations or
15 professions.

16 (8) The client group with which practitioners of this
17 occupation or profession deal or would deal and the degree to
18 which these clients have the knowledge and the opportunity to
19 evaluate the qualifications of practitioners of this
20 occupation or profession.

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

23 (10) The public's need for the services of the
24 practitioners of this occupation or profession or for the
25 expanded scope of practice of practitioners of this
26 occupation or profession.

27 (11) Whether the legislation proposes to license,
28 certify, register or otherwise regulate this occupation or
29 profession.

30 (12) Whether persons who are not licensed, certified,

1 registered or otherwise regulated would be prohibited from
2 performing the functions which practitioners of this
3 occupation or profession would be permitted to perform or
4 from holding themselves out to the public in the manner in
5 which practitioners of this occupation or profession
6 licensed, certified, registered or otherwise regulated would
7 be permitted to hold themselves out.

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

12 (14) The effect of the proposed legislation on the cost
13 of the goods or services provided by practitioners of this
14 occupation or profession.

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

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

20 (17) Whether the proposed legislation would have the
21 effect of making practitioners of this occupation or
22 profession eligible for third-party insurance payments or
23 government grants for which they are currently ineligible.

24 (18) The minimum education, experience and examination
25 requirements proposed in the legislation, including a
26 comparison of those minimum requirements to the minimum
27 requirements in other states, the adequacy of those minimum
28 requirements and the rationale for any exemptions or waivers
29 from those minimum requirements.

30 (19) The institutions offering accredited and non-

1 accredited programs to prepare practitioners to enter this
2 occupation or profession or to exercise the functions which
3 would be authorized by the expanded scope of practice.

4 (20) The requirements for renewal of a license,
5 certificate, registration or other form of regulation,
6 including continuing education.

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

10 (22) The extent to which stronger enforcement of
11 existing statutes is an alternative to the proposed
12 legislation.

13 (23) If the proposed legislation would create a new
14 board or commission, the extent to which this occupation or
15 profession could be regulated by an existing board or
16 commission.

17 (24) The estimated biennial fiscal impact of the
18 proposed legislation.

19 Section 4. Committee duties.

20 (a) Request for reports.--After proposed legislation has
21 been introduced to regulate an unregulated professional or
22 occupational group or to expand the scope of practice of a
23 regulated professional or occupational group, the professional
24 licensure committee of the chamber in which the bill has been
25 introduced or the amendment has been offered may request a
26 sunrise evaluation report from the Legislative Budget and
27 Finance Committee. The Legislative Budget and Finance Committee
28 shall submit such a sunrise evaluation report to the
29 professional licensure committee within 18 months of the
30 request.

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

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

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

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

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

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

19 Section 5. Effective date.

20 This act shall take effect immediately.