

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 23, 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~~ SUNRISE 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. DEFINITIONS. ←

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
10 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "COMMITTEE." THE COMMITTEE IN THE SENATE AND THE HOUSE OF
13 REPRESENTATIVES TO WHICH PROPOSED LEGISLATION TO REGULATE
14 OCCUPATIONS AND PROFESSIONS IS REFERRED.

15 "LEGISLATION." A BILL OR AN AMENDMENT TO A BILL.

16 Section 3 4. Sunrise evaluation report. ←

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

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

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

1 (3) The number of Pennsylvania practitioners in each
2 organization which advocates or opposes the proposed
3 legislation.

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

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

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

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

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

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

1 (10) The public's need for the services of the
2 practitioners of this occupation or profession or for the
3 expanded scope of practice of practitioners of this
4 occupation or profession.

5 (11) Whether the legislation proposes to license,
6 certify, register or otherwise regulate this occupation or
7 profession.

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

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

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

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

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

28 (17) Whether the proposed legislation would have the
29 effect of making practitioners of this occupation or
30 profession eligible for third-party insurance payments or

1 government grants for which they are currently ineligible.

2 (18) The minimum education, experience and examination
3 requirements proposed in the legislation, including a
4 comparison of those minimum requirements to the minimum
5 requirements in other states, the adequacy of those minimum
6 requirements and the rationale for any exemptions or waivers
7 from those minimum requirements.

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

12 (20) The requirements for renewal of a license,
13 certificate, registration or other form of regulation,
14 including continuing education.

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

18 (22) The extent to which stronger enforcement of
19 existing statutes is an alternative to the proposed
20 legislation.

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

25 (24) The estimated biennial fiscal impact of the
26 proposed legislation.

27 Section 4 5. Committee duties. ←

28 (a) Request for reports.--After proposed legislation has
29 been introduced to regulate an unregulated professional or
30 occupational group or to expand the scope of practice of a

1 regulated professional or occupational group, the ~~professional~~ ←
2 ~~licensure~~ committee of the chamber in which the bill has been
3 introduced or the amendment has been offered may request a
4 sunrise evaluation report from the Legislative Budget and
5 Finance Committee. The Legislative Budget and Finance Committee
6 shall submit such a sunrise evaluation report to the
7 ~~professional-licensure~~ committee within 18 months of the ←
8 request.

9 (b) Public hearing.--After receiving the sunrise evaluation
10 report and prior to voting on the legislation, the ~~professional~~ ←
11 ~~licensure~~ committee shall conduct at least one public hearing to
12 receive testimony from the public, the Legislative Budget and
13 Finance Committee and organizations advocating or opposing the
14 proposed legislation.

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

- 18 (1) The effect of the proposed legislation on the
19 health, safety and welfare of the public.
- 20 (2) The effect of the proposed legislation on other
21 professions and occupations.
- 22 (3) The public's need for the proposed legislation.
- 23 (4) The reasons why alternatives to regulating an
24 unregulated profession or occupation or expanding the scope
25 of practice of a regulated profession or occupation are not
26 adequate.

27 Section 5 6. Effective date. ←

28 This act shall take effect immediately.