

## SUNRISE REVIEW APPLICATION

### **Introduction**

Beginning January 1, 2021, any occupational group or other interested party proposing the regulation of an unregulated occupational group in the State of Idaho is required to undergo sunrise review by the Occupational and Professional Licensure Review Committee of the Idaho Legislature (“Sunrise Committee”). The sunrise review process is required prior to the introduction of any legislation that would add a requirement that a person hold a license, certificate, registration, permit, or other authorization issued by a licensing authority to engage in a profession or occupation.

Sunrise review is a process that takes place before legislation is enacted. Proponents who want to regulate an occupation or profession must outline the potential impacts, costs, and benefits of that regulation. Lawmakers review that information before recommending whether the legislation should proceed.

Although the sunrise review process is mandatory, the Sunrise Committee’s recommendation is not binding. A germane committee of the Legislature is not bound by the Sunrise Committee’s recommendation.

### **Idaho Sunrise Review Submission, Processing, and Consideration Timeline**

The sunrise review process is as follows:

- By May 1<sup>st</sup>, the applicant must complete and submit the Sunrise Review Application and may attach any other relevant information. Completed applications must be submitted to the Legislative Services Office (LSO).
- By August 1<sup>st</sup>, LSO will review the application materials and submit a report with factual analysis to the Sunrise Committee. The report will verify the contents of the application and any other submitted information. It will not contain a recommendation. LSO will provide a copy of the report to the applicant and make it available to the public.
- By October 1<sup>st</sup>, the Sunrise Committee will:
  - Review the application materials and the report prepared by LSO; and
  - Hold a meeting on the application.
- By November 1<sup>st</sup>, the Sunrise Committee will issue a written recommendation as to whether a requested occupation or profession should be licensed in the manner set forth in the proponent’s application.

- The Sunrise Committee's recommendation will be delivered to the president pro tempore of the senate and the speaker of the house of representatives for subsequent delivery to the appropriate germane committee chairpersons.

### Sunrise Review Application

Thoroughly respond to the following questions in the order presented:

1. The requestor's name, address, telephone number, and organizational affiliation, as well as his or her relationship to the professional or occupational group seeking regulation.
2. What is the professional or occupational group for which the applicant is seeking regulation? Is this group known by more than one name? If so, please specify.
3. What is the applicant seeking to gain through regulation of the occupational or professional group?
4. Estimate the number of Idaho practitioners and explain how this estimate was derived.
5. Describe the functions performed by members of this occupational group. Note which functions are unsupervised or supervised and by whom. In addition, indicate functions that are similar to those performed by other groups and identify those groups.
6. Describe the minimum competencies necessary to enter this profession or occupation.
7. Describe the client group(s) with which this occupational or professional group deals.
8. Describe and provide examples of typical work settings of this occupational or professional group.
9. Does the applicant propose licensure, certification, registration, permitting, or another type of regulation to engage in the profession or occupation? Why? [Note: Under licensure, it is illegal for anyone to engage in an occupation or profession without a license, and only persons who possess certain qualifications are licensed. Certification protects specific occupational or professional titles of persons who have met certain educational and experiential standards. Only persons certified in that occupation or profession may use the protected title, although anyone may practice the occupation. Under registration, any person may engage in an occupation, but he or she is required to submit information concerning the location, nature, and operation of the practice.]
10. Explain why licensure, certification, registration, or other type of regulation of the profession or occupation is necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public.

11. Explain why the proposed licensing or other regulation is the least restrictive regulation necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed.
12. Indicate how the public would be protected by regulation of this occupational or professional group and explain why the public is not protected by other means.
13. Estimate the impact of the proposed regulation on the supply of practitioners in the occupation or profession, including the degree to which existing practitioners would be precluded from practice. Would the regulation place unreasonable restrictions on the ability of such individuals to practice or to find employment?
14. Describe the anticipated impact of the proposed licensing or other regulation on job creation, job retention, and wages in the state.
15. Describe any anticipated disqualifications from licensure, certification, relicensure, or recertification and how those disqualifications would serve public safety, commercial, or consumer protection interests.
16. To what degree would the proposed regulation either directly or indirectly affect the cost of goods or services provided by the occupational or professional group? Specify those costs as they exist now and as they would change after the imposition of regulation.
17. Describe how the benefits of the proposed licensing or other regulation would outweigh the overall cost and economic impact of the proposed regulation, including the direct and indirect costs to consumers.
18. Within the usual practice of this occupation, document the physical, emotional or financial harm to clients that could result from a practitioner's failure to provide adequate service. Give specific, verifiable examples.
19. Does the current lack of regulation of this group make its practitioners ineligible for payments or grants that they would otherwise be eligible to receive?
20. List institutions, program titles, and contact information for such programs offering accredited and nonaccredited programs in Idaho to prepare practitioners for entry into this occupation or profession. What is the cost of completing these programs? If programs are not available in Idaho, what is the cost of out-of-state programs? If no formal training or education is required, how does the practitioner learn the occupation?
21. Is there an examination currently used to measure qualifications for entry? If so, who constructs and administers the examination? Please submit documentation on the validity and reliability of such exams with this application.
22. Is this occupational or professional group affiliated with an association that sets and enforces standards? If so, please explain the process and standards. Identify any associations, organizations, or other groups presently representing the practitioners of the occupational group. Provide contact information for each organization and an estimated number of Idaho members.

23. What federal, Idaho state, county, or local laws currently apply to the practice of this occupational or professional group? Please submit copies of the relevant statutes, ordinances, and rules with this application.
24. What type of private credentialing is or could be available as an alternative to government regulation?
25. Is mandatory continuing education included in the proposed regulation? Please describe any proposed continuing education requirements.
26. Has the occupational or professional group previously been regulated in Idaho? If so, explain why the applicant is requesting re-regulation. If applicable, please submit documentation of any harm to consumers since deregulation that necessitates re-regulation by the state with this application.
27. In how many other states is the occupation or profession regulated? Identify the states where such regulation presently exists and submit a source for that information with this application.
28. Provide any other relevant information that the applicant believes will be useful for the Sunrise Committee to review.