



Michael E. Christensen
Director

John L. Fellows
General Counsel

OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW APPLICATION

In accordance with Title 36, Chapter 23, "Occupational and Professional Licensure Review Committee Act" (*Utah Code Annotated*, 1953), individuals or groups seeking new licensure or similar regulation for an occupation or profession must first complete an application if they wish to have a public hearing before the Occupational and Professional Licensure Review Committee (Committee). Please complete the attached application after reading the instructions on this page.

Instructions for completing this application:

- Please clearly identify a contact name(s) and phone numbers where the individual(s) may be reached.
- Please read the entire application before answering any questions so that you will understand what information is being requested and how questions relate to each other.
- Responses to this application should be typed and dated within a single document of no more than **30 pages** (excluding appendices). Supporting evidence for your responses may be included as appendices, but all essential information should be included within the main document.
- Each part of every question must be addressed. If there is no information available to answer the question, state this as your response and describe what you did to attempt to find information that would answer that question. If you think the question is not applicable, state this and explain your response.
- When you have completed the application, please return it with the statutorily-required nonrefundable fee of \$500 to the attention of the Occupational and Professional Licensure Review Committee at the **Office of Legislative Research and General Counsel**.
- After you have completed and submitted your application, you will be notified as to the date and time the Committee will hold a public hearing to review your profession or occupation. Hearings will generally be scheduled in the order applications are received.

If you have any questions, please contact **Joseph Wade** or **Peter Asplund** at the Office of Legislative Research and General Counsel (801-538-1032).

Thank you.

Utah State Capitol Complex
House Building, Suite W210
PO Box 145210
Salt Lake City, Utah
84114-5210
Phone (801) 538-1032
Fax (801) 538-1712
www.le.utah.gov

STATE OF UTAH
OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW
APPLICATION

Occupational or professional group seeking regulation: _____

Contact person

Name: _____

Mailing address: _____

Phone number: _____

Email address: _____

Position or authority: _____

I certify that the information in this application is complete and accurate.

Signature: _____

Date: _____

Section A: Applicant Group Information

1. List all titles currently used by Utah practitioners of this occupation. Estimate the total number of practitioners now in Utah and the number using each title.
2. Identify each occupational association representing current practitioners in Utah and estimate its membership. For each, list the name of any associated national group.
3. Estimate the percentage of practitioners who support this request for regulation. Document the source of this estimate.
4. Name the applicant group representing the practitioners in this effort to seek regulation. How was this group selected to represent practitioners?
5. Are all practitioner groups listed in response to question #3 represented in the organization seeking regulation? If not, why not?

Section B: Consumer Group Information

6. Do practitioners typically deal with a specific consumer population? Are clients generally individuals or organizations? Please provide documentation.
7. Identify any advocacy groups representing Utah consumers of this service. List also the name of applicable national advocacy groups.
8. Identify any consumer populations not now using practitioner services who are likely to do so if regulation is approved.
9. Does the applicant group include consumer advocate representation? If so, please provide documentation. If not, describe the efforts, if any, made to include such representation.

10. Name any non-applicant groups opposed to or with an interest in the proposed regulation. If none, indicate efforts made to identify them.

Section C: Sunrise Criteria

I. State regulation of the occupation or profession is necessary to address a compelling state interest in protecting against:

- a) present harm to the health or safety of the public;*
- b) recognizable harm to the health or safety of the public; AND*
- c) significant harm to the health or safety of the public?*

11. Is there present harm to the health or safety of the public? If so, what is the nature and severity of the harm to the public? Please provide documentation for any physical or mental health harm, or safety harm currently resulting as a consequence to consumers resulting from incompetent practice.

12. Is the harm recognizable? If so, how is the harm recognizable? Please provide documentation on how the harm is recognizable.

13. Is the harm significant? If so, how significant is the harm? Please provide documentation on the extent of the harm.

14. How likely is it that harm will occur? Cite cases or instances of consumer injury. How could harm be avoided?

15. What provisions of the proposed regulation would preclude consumer injury?

16. Is there or has there been significant public demand for a regulatory standard? Please provide documentation.

17. How might the proposed regulation be narrowly tailored to protect against present, recognizable, and significant harm to the health or safety of the public?

II. The public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence.

18. What specific benefits will the public realize if this occupation is regulated? Indicate clearly how the proposed regulation will correct or preclude consumer injury. Do these benefits go beyond freedom from harm? If so, in what way?

19. Which consumers of practitioner services are most in need of protection? Which require least protection? Which consumers will benefit most and least from regulation?

20. Provide evidence of "net" benefit when the following possible effects of regulation are considered:

- a. Restriction of opportunity to practice
- b. Restricted supply of practitioners
- c. Increased costs of service to consumer
- d. Increased governmental intervention in the marketplace

III. Regulation of the profession or occupation does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners or otherwise create barriers to service that are not consistent with the public welfare or interest.

21. How many people seek services annually from this occupation? Will regulation of the occupation affect this figure? If so, in what way?

22. What is the current cost of the service provided (per episode or visit)? Estimate the total amount of money spent annually in Utah for the services of this group. How will regulation affect these costs? Provide documentation for your answers.

23. Provide a cost analysis supporting regulation of this occupation. Include costs to provide adequate regulatory functions during the first three years following implementation of this regulation. Assure that at least the following have been included:

- a. costs of program administration, including staffing
- b. costs of developing and/or administering examinations
- c. costs of effective enforcement programs

24. Does adoption of the requested regulation represent the most cost-effective form of regulation? Indicate alternatives considered and costs associated with each.

IV. The occupation requires possession of knowledge, skills, and abilities that are both teachable and testable.

25. Is there a generally accepted core set of knowledge, skills, and abilities without which a practitioner may cause public harm? Please describe and document.

26. What methods are currently used to define the requisite knowledge, skills, and abilities? Who is responsible for defining these knowledge, skills, and abilities?

27. Are the knowledge, skills, and abilities testable? Is the work of the group sufficiently defined that competence could be evaluated by some standard (such as ratings of education, experience, or exam performance)?

28. List institutions and program titles offering accredited and nonaccredited preparatory programs in Utah. Estimate the annual number of graduates from each. If no such preparatory programs exist within Utah, where are the most accessible locations offering such programs?

29. Apart from the programs listed in question 26, indicate other methods of acquiring requisite knowledge, skill, and ability. Examples may include apprenticeships, internships, on-the-job training, individual study, etc.

30. Estimate the percentage of current practitioners trained by each of the methods described in questions 26-27.

31. Does any examination or other measure currently exist to test for functional competence? If so, indicate how and by whom each was constructed and by whom it is currently administered. If not, indicate search efforts to locate such measures.

32. If more than one examination is listed above, which standard do you intend to support? Why? If none of the above, why not, and what do you propose as an alternative?

V. The occupation is clearly distinguishable from other occupations that are already regulated.

33. What similar occupations are or have been regulated in Utah?

34. Describe functions performed by practitioners that differ from those performed by occupations listed in question 31.

35. Indicate the relationships among the groups listed in response to question 33 and practitioners. Can

practitioners be considered a branch of currently regulated occupations?

36. What impact will the required regulation have upon the authority and scopes of practice of currently regulated groups?

37. Are there unregulated occupations performing services similar to those of the group to be regulated? If so, identify.

VI. The occupational or professional group has an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service.

38. Does the occupation or professional group have an established code of ethics or a voluntary certification program? Please provide documentation of codes or certification programs.

39. Are there measures that ensure a minimum quality of service? Why are these measures insufficient?

VII. The public cannot be adequately protected by any means other than regulation.

40. Explain why marketplace factors are not sufficient to ensure public welfare. Document specific instances in which market controls have proven ineffective in assuring consumer protection.

41. Are there other states in which this occupation is regulated? If so, identify the states and indicate the manner in which consumer protection is ensured in those states. Provide, as an appendix, copies of the regulatory provisions from these states.

42. What means other than governmental regulation have been employed in Utah to protect consumer health and safety. Show why the following would be inadequate:

- a. code of ethics
- b. codes of practice enforced by professional associations
- c. dispute-resolution mechanisms such as mediation or arbitration
- d. recourse to current applicable law
- e. regulation of those who employ or supervise practitioners
- f. other measures attempted or contemplated

Section D: Proposal for Regulation

43. Do you propose licensure, certification, registration, or another type of regulation? What is the justification for the level of regulation sought?

44. Describe the regulatory process that would administer this proposal focusing on the following areas:

- a. Regulatory board, proposed make-up of the board, qualifications for membership on the board.
- b. Examinations
- c. Inspections
- d. Renewal, revocation, or suspension of the right to practice this occupation or profession.
- e. Handling of complaints and disciplinary actions to be taken against practitioners.
- f. Types, numbers and amounts of fees to be collected. (Include fees for applications, examinations, original licenses, and renewals.)

45. What do you propose as minimum standards (education, training, and experience) for entry into this occupation or profession? How accessible is the training and what is the anticipated cost?

46. Do you propose alternate routes of entry into the occupation or profession, or alternate methods of meeting the training, education, and experience requirements? If so, describe.

47. Do you propose a “grandfather” clause in which current practitioners are exempted from compliance with proposed entry standards? If so, how is that clause justified? What safeguards will be provided for consumers? Will those who are grandfathered be required to meet the prerequisite qualifications at a later date?

48. Do you propose that renewal be based only upon payment of a fee, or do you propose it require re-examination, continuing education credits, peer review or other enforcement? Be specific. State whether you propose that renewals be annual, biennial, or otherwise.

49. If a continuing education requirement is proposed, describe opportunities and costs of continuing education in Utah (or elsewhere if not available in the state).

50. What requirements do you propose for applicants from other states who have met the requirements for licensure or regulation in their former state?

51. Estimate the cost to the state to implement and administer the proposed regulatory program. Include board member travel and per-diem expenses, personnel costs to administer day-to-day functions, costs of materials, testing costs, inspection costs, enforcement costs, and other related costs.

52. How many practitioners are likely to apply to apply initially if the proposed regulation is adopted? How many in each of the next three years?

53. Will all costs of implementation and administration be covered by projected revenues? If not, what other sources of revenue could be used to cover the costs of regulation?

54. How will start-up costs be generated?

END OF APPLICATION

PLEASE REVIEW COVER LETTER FOR INSTRUCTIONS ON SUBMITTING YOUR COMPLETED APPLICATION.