

OPR Sunrise Review Process

The preliminary assessment of
whether a profession should be
regulated



State Policy on Regulating New Professions

26 V.S.A. §3101

- It is the policy of the state of Vermont that regulation be imposed upon a profession or occupation solely for the purpose of protecting the public. The legislature believes that all individuals should be permitted to enter into a profession or occupation unless there is a demonstrated need for the state to protect the interests of the public by restricting entry into the profession or occupation. If such a need is identified, the form of regulation adopted by the state shall be the least restrictive form of regulation necessary to protect the public interest.



Regulate a profession only when:

- (1) the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is recognizable and not remote or speculative;



Regulate a profession only when:

- (2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
- (3) the public cannot be effectively protected by other means.

- 26 V.S.A. §3105



OPR Process

- Sunrise application at www.vtprofessionals.org
- Applications received by July 1 for consideration for the next legislative year
- Who is practicing? Where? How many?
- What is the harm to the public because of unregulated practice?
- What do other states do?



OPR Sunrise Process

- Identify and notify stakeholders
- Public hearings
- Research
- Write a recommendation to the Legislature for the following January



OPR and Legislative Considerations

- The key issue is public protection. If the petitioner can demonstrate that the public needs to be protected from the unregulated practice of the profession, then regulation would most likely be appropriate.
- The statute demands the least restrictive form of regulation necessary to accomplish the public protection goal.
- Three forms of regulation: registration, certification and licensure.



Not Contemplated by Statute:

- Prestige for the profession
- Excluding others
- Business interest
- Insurance reimbursement

Public Protection is the standard



Past Sunrise Reports

- Alcohol & Drug Counselors - November 1, 1999
- Athletic Trainers - December 13, 2002
- Dental Practitioners - October 7, 2013
- Electrologists - November 1, 1999
- Electrologists Assessment - November 5, 2004
- Genetic Counselors - November 7, 2006
- Home Inspectors - January, 2013
- Landscape Architects - December 4, 2003
- Landscape Architects - December 29, 2006 - Second Sunrise Report
- Massage Therapist - December 30, 2010
- Medical Laboratory Science Professionals – December 1, 2009
- Midwives - November 1, 1999
- Optometry - Report on S.54: Expanded Scope of Practice
- Respiratory Therapists - November 1, 1999
- Respiratory Therapists - November 4, 2003
- Home Security Services Sunrise Report January 2010
- Speech & Language Pathologists & Audiologists - November 1, 1999

www.vtprofessionals.org



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