

Vermont Office of Professional Regulation Sunrise Review



Deputy Secretary of State Chris Winters

Vermont Office of Professional Regulation Sunrise Review



Vermont sunrise today

History of the Office of Professional Regulation (OPR)

- Created as an “umbrella agency” in 1989 for efficiency in professional licensing
- Professions were scattered, siloed, independent, and unaccountable
- Consolidation under one roof made sense for many reasons

History of Sunrise in Vermont:

- Created in 1977, among the first in the nation
- Prior to the creation of OPR
- Review was in the hands of the legislative council and was rarely used. They did not have the staff or expertise
- OPR was created in 1989 and was given the power of sunrise review for all new professions

Professional Regulation – Unify. Streamline. Focus.

Sunrise in other states:

- Approximately 15 states
- Practices differ:
 - reviews done by legislative committees, executive offices, special boards or councils
 - detailed procedures versus broad authority guided by criteria
- Focused on public protection and cost/benefit analysis



Professional Regulation – Unify. Streamline. Focus.

Why Sunrise?

"If you find yourself

In a hole

The first thing to do

Is **STOP** digging."



– Will Rogers



Secretary of State's Office

VT Sunrise Reviews

- A gatekeeper; the ability to slow down and do the analysis
- If it's not about public protection...don't do it!
- Based on facts and evidence, not emotion, marketplace, pride, or insurance reimbursement
- About the public interest, not special interests
- Empower legislators to defer – avoid the fight

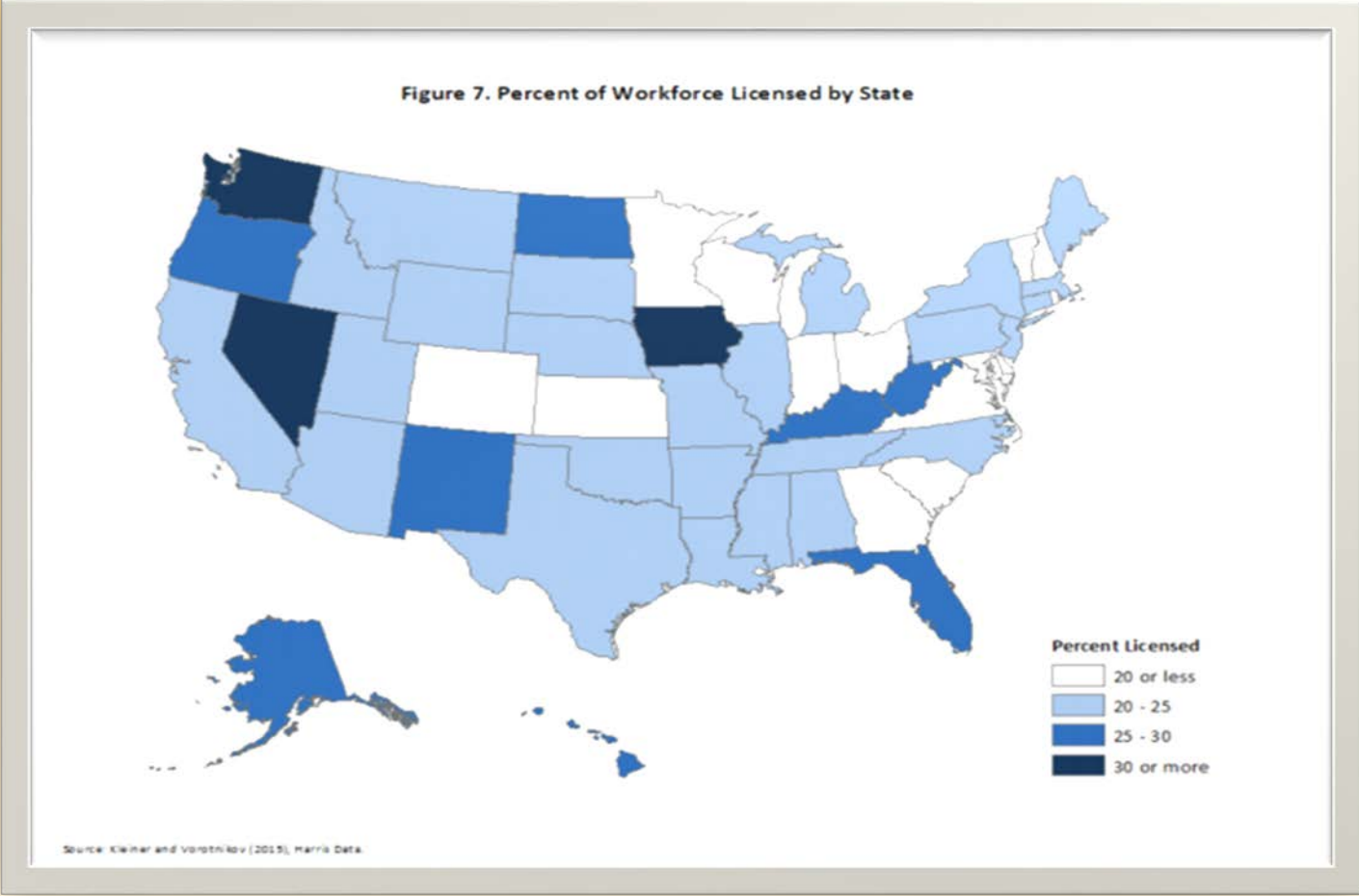
Professional Regulation – Unify. Streamline. Focus.

Recent licensing discussions:

- Massage Therapists
- Precious Metal Dealers
- Foresters / Loggers
- Speech Language Pathology Assistants
- Dental Therapists
- Home Inspectors
- Behavior Analysts and Assistants
- Alcohol and Drug Abuse Counselors from DOH
- Licenses from ANR
- Home improvement contractors
- Art Therapists

Professional Regulation – Unify. Streamline. Focus.

16.8 % of professions regulated



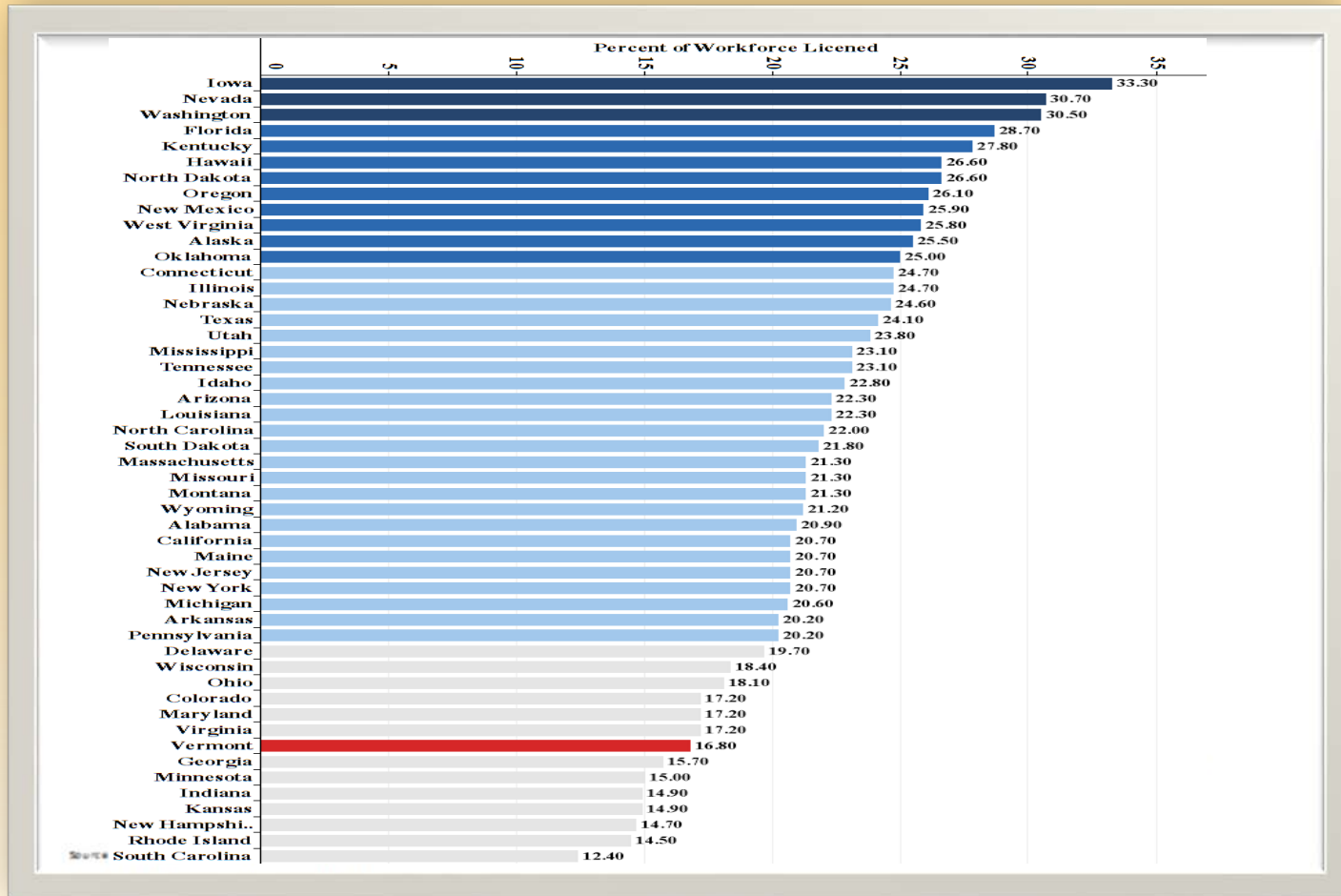
2015



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16.8 % of professions regulated



2015



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VT Sunrise laws (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**.

VT Sunrise laws (26 V.S.A. § 3105)

Only regulate when:

- Unregulated practice can clearly endanger public health safety and welfare
- Harm is not remote or speculative
- Public can reasonably expect to benefit from the regulation
- Public cannot be effectively protected by other means

If necessary, the least restrictive regulation shall be imposed:

- Civil remedies and sanctions
- Regulate entities and facilities
- Registration > Certification > Licensure

VT Sunrise Applications

- Due by July 1 from proponents of regulation
- OPR seeks public comment, holds public hearings
- Review other states, public harm, public benefit
- OPR reports in January with a recommendation
- Ultimately the Legislature's decision

Sunrise Keys to Success

- Relationships with legislators and committees of jurisdiction – invest the time
- A consistent, fair and transparent process
- Thoughtful, realistic recommendations based on input from all stakeholders
- Honest, unbiased conversations

VT Sunrise Examples

- Landscape architects – last in the nation
- Massage therapists – every year for at least a decade
- Dog walkers – stop it before it starts
- Foresters – a difficult conversation

OPR Sunrise Review and Reports:

<https://www.sec.state.vt.us/professional-regulation/sunrise-review.aspx>

Professional Regulation – Unify. Streamline. Focus.

THANK YOU!

Please contact me with any questions.

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