

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

“SUNRISE” REGULATORY REQUEST QUESTIONNAIRE

AS SUBMITTED BY

THE OFFICE OF SENATOR BEN ALLEN

IN RESPONSE TO SB 778 (ALLEN) OF 2016

June 16, 2016

STAFF CONTACT:

Tina Andolina, [tina.andolina@sen.ca.gov](mailto:tina.andolina@sen.ca.gov), 916-651-4026

Section A: Applicant Group Identification This section of the questionnaire is designed to help identify the group seeking regulation and to determine if the applicant group adequately represents the occupation.

1. WHAT OCCUPATIONAL GROUP IS SEEKING REGULATION? IDENTIFY BY NAME, ADDRESS AND ASSOCIATIONAL AFFILIATION THE INDIVIDUALS WHO SHOULD BE CONTACTED WHEN COMMUNICATING WITH THIS GROUP REGARDING THIS APPLICATION.

Oil change automotive shops. Shops that currently only perform oil change services are not required to register with the Bureau of Automotive Repair (BAR) as Automotive Repair Dealers (ARD).

The following individuals would be useful resources in gaining the industry's perspective on the importance of regulation:

Cliff Costa with the New Car Dealers, [ccosta@cncda.org](mailto:ccosta@cncda.org)

Jack Molodanof, Automotive Service Councils of California and the California Autobody Association, 916-447-0313, [jack@mgrco.org](mailto:jack@mgrco.org)

Stan Van Vleck, Automotive Oil Change Association, (916) 520-5440, [stan@stanvanvleck.com](mailto:stan@stanvanvleck.com)

2. LIST ALL TITLES CURRENTLY USED BY CALIFORNIA PRACTITIONERS OF THIS OCCUPATION. ESTIMATE THE TOTAL NUMBER OF PRACTITIONERS NOW IN CALIFORNIA AND THE NUMBER USING EACH TITLE.

Automotive Repair Dealer (currently regulated segment of the industry)

3. IDENTIFY EACH OCCUPATIONAL ASSOCIATION OR SIMILAR ORGANIZATION REPRESENTING CURRENT PRACTITIONERS IN CALIFORNIA, AND ESTIMATE ITS MEMBERSHIP. FOR EACH, LIST THE NAME OF ANY ASSOCIATED NATIONAL GROUP.

California New Car Dealers, Cliff Costa, [ccosta@cncda.org](mailto:ccosta@cncda.org)

Automotive Service Councils of California, Jack Molodanof, 916-447-0313, [jack@mgrco.org](mailto:jack@mgrco.org)

California Autobody Association, Jack Molodanof, 916-447-0313, [jack@mgrco.org](mailto:jack@mgrco.org)

Automotive Oil Change Association, Stan Van Vleck, (916) 520-5440, [stan@stanvanvleck.com](mailto:stan@stanvanvleck.com)

California Retailers Association, Bill Dombrowski, [bdombrowski@calretailers.com](mailto:bdombrowski@calretailers.com)

California Automotive Wholesalers' Association, Rodney Pierini, [admin@cawa.org](mailto:admin@cawa.org)

The Auto Care Association, Aaron M. Lowe, [aaron.lowe@autocare.org](mailto:aaron.lowe@autocare.org)

Tire Industry Association & Service Station Dealers of America, Roy Littlefield,  
rlittlefield@tireindustry.org

**4. ESTIMATE THE PERCENTAGE OF PRACTITIONERS WHO SUPPORT THIS REQUEST FOR REGULATION. DOCUMENT THE SOURCE OF THIS ESTIMATE.**

Both the regulated and unrelated segments of this industry working on SB 778 are supporting having all practitioners regulated under the Bureau of Automotive Repair. However, there is a portion of the unregulated industry that may still oppose being regulated. The unregulated segment prefers a separate regulatory scheme that treats the shops that only perform maintenance services differently, putting these shops under a new regulatory scheme as Automotive Maintenance Providers (AMP).

**5. NAME THE APPLICANT GROUP REPRESENTING THE PRACTITIONERS IN THIS EFFORT TO SEEK REGULATION. HOW WAS THIS GROUP SELECTED TO REPRESENT PRACTITIONERS?**

California New Car Dealers and Automotive Service Councils of California, both currently regulated, are seeking to regulate the Automotive Oil Change Association members and any other oil change shops that are not currently regulated. The California Retail Association is also supporting more comprehensive regulation for the entire industry. These groups self-selected.

**6. ARE ALL PRACTITIONER GROUPS LISTED IN RESPONSE TO QUESTION 2 REPRESENTED IN THE ORGANIZATION SEEKING REGULATION? IF NOT, WHY NOT?**

Unknown

**Section B: Consumer Group Identification**

This section of the questionnaire is designed to identify consumers who typically seek practitioner services and to identify non-applicant groups with an interest in the proposed regulation.

**7. DO PRACTITIONERS TYPICALLY DEAL WITH A SPECIFIC CONSUMER POPULATION? ARE CLIENTS GENERALLY INDIVIDUALS OR ORGANIZATIONS?**

Clients are generally individuals seeking to get the oil in their vehicle changed.

**8. IDENTIFY ANY ADVOCACY GROUPS REPRESENTING CALIFORNIA CONSUMERS OF THIS SERVICE. LIST ALSO THE NAMES OF APPLICABLE NATIONAL ADVOCACY GROUPS.**

California Consumer Federation  
Consumers for Auto Reliability and Safety  
Californians Against Waste

9. IDENTIFY ANY CONSUMER POPULATIONS NOT CURRENTLY USING PRACTITIONER SERVICES THAT ARE LIKELY TO DO SO IF REGULATION IS APPROVED.

None

10. DOES THE APPLICANT GROUP INCLUDE CONSUMER ADVOCATE REPRESENTATION? IF NOT, WHY NOT?

No, it is the regulated segment of the industry that is seeking more comprehensive regulation and the unregulated population of the industry that is seeking a separate registration process.

11. NAME ANY NON-APPLICANT GROUPS OPPOSED TO OR WITH AN INTEREST IN THE PROPOSED REGULATION. IF NONE, INDICATE EFFORTS MADE TO IDENTIFY THEM.

No opposition currently

### **Section C: Sunrise Criteria**

This part of the questionnaire is intended to provide a uniform method for obtaining information regarding the merits of a request for governmental regulation of an occupation. The information you provide will be used to rate arguments in favor of imposing new regulations (such as educational standards, experience requirements, or examinations) to assure occupational competence.

### **Part C1 – Sunrise Criteria and Questions**

The following questions have been designed to allow presentation of data in support of application for regulation. Provide concise and accurate information in the form indicated in the *Instructions* portion of this questionnaire.

### **I. UNREGULATED PRACTICE OF THIS OCCUPATION WILL HARM OR ENDANGER THE PUBLIC HEALTH SAFETY AND WELFARE**

12. IS THERE OR HAS THERE BEEN SIGNIFICANT PUBLIC DEMAND FOR A REGULATORY STANDARD? IF SO, PROVIDE DOCUMENTATION. IF NOT, WHAT IS THE BASIS FOR THIS APPLICATION?

Not that is documented.

13. WHAT IS THE NATURE AND SEVERITY OF THE HARM? DOCUMENT THE PHYSICAL, SOCIAL, INTELLECTUAL, FINANCIAL OR OTHER CONSEQUENCES TO THE CONSUMER RESULTING FROM INCOMPETENT PRACTICE.

With only a segment of the industry regulated, there is not a level playing field among practitioners. Further, customers who take their vehicle to an unregulated shop may not be aware

that they are not guaranteed the same consumer protections they would receive at a different, registered shop.

14. HOW LIKELY IS IT THAT HARM WILL OCCUR? CITE CASES OR INSTANCES OF CONSUMER INJURY. IF NONE, HOW IS HARM CURRENTLY AVOIDED?

It is unclear if consumers are harmed since these shops are unregulated and not tracked.

15. WHAT PROVISIONS OF THE PROPOSED REGULATION WOULD PRECLUDE CONSUMER INJURY?

By bringing all shops under BAR's jurisdiction, consumers will receive the standard protections they currently receive at regulated shops, except under the new proposed regulator category, consumers would not receive the upfront estimate they currently receive at an Automotive Repair Dealer.

## **II. EXISTING PROTECTIONS AVAILABLE TO THE CONSUMER ARE INSUFFICIENT**

16. TO WHAT EXTENT DO CONSUMERS CURRENTLY CONTROL THEIR EXPOSURE TO RISK? HOW DO CLIENTS LOCATE AND SELECT PRACTITIONERS?

Consumers could choose to only visit regulated shops. However, the only way the consumer would know if the oil change shop is regulated is to look for the sign hanging in the establishment. Otherwise, they may visit an unregulated shop, have the oil change done, and if they had a complaint and called BAR, they would learn that they had no recourse.

17. ARE CLIENTS FREQUENTLY REFERRED TO PRACTITIONERS FOR SERVICES? GIVE EXAMPLES OF REFERRAL PATTERNS.

No, not for an oil change

18. ARE CLIENTS FREQUENTLY REFERRED ELSEWHERE BY PRACTITIONERS? GIVE EXAMPLES OF REFERRAL PATTERNS.

If a customer visits an unregulated shop for an oil change and asked the shop to perform any type of repair service, they would be referred to a regulated Automotive Repair Dealer.

19. WHAT SOURCES EXIST TO INFORM CONSUMERS OF THE RISK INHERENT IN INCOMPETENT PRACTICE AND OF WHAT PRACTITIONER BEHAVIORS CONSTITUTE COMPETENT PERFORMANCE?

Unknown.

20. WHAT ADMINISTRATIVE OR LEGAL REMEDIES ARE CURRENTLY AVAILABLE TO REDRESS CONSUMER INJURY AND ABUSE IN THIS FIELD?

Customers can seek redress with BAR for work done at regulated shops. For work done at unregulated shops, they would have to seek redress through the local district attorney.

21. ARE THE CURRENTLY AVAILABLE REMEDIES INSUFFICIENT OR INEFFECTIVE? IF SO, EXPLAIN WHY.

Customers with a complaint against an unregulated shop would find it difficult to seek enforcement action through a local district attorney unless the complaint was significant. BAR offers customers the options of using mediation to address concerns.

### **III. NO ALTERNATIVES TO REGULATION WILL ADEQUATELY PROTECT THE PUBLIC**

22. EXPLAIN WHY MARKETPLACE FACTORS WILL NOT BE AS EFFECTIVE AS GOVERNMENTAL REGULATION IN ENSURING PUBLIC WELFARE. DOCUMENT SPECIFIC INSTANCES IN WHICH MARKET CONTROLS HAVE BROKEN DOWN OR PROVEN INEFFECTIVE IN ASSURING CONSUMER PROTECTION.

Currently customers do not know if the shop they are going to is regulated, thus offering consumer protections, or not. Ensure comprehensive regulation levels the playing field for businesses and protects all customers.

23. 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.

Unknown.

24. WHAT MEANS, OTHER THAN GOVERNMENTAL REGULATION, HAVE BEEN EMPLOYED IN CALIFORNIA TO ENSURE CONSUMER HEALTH AND SAFETY? INDICATE 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

Unknown

25. IF A "GRANDFATHER" CLAUSE (IN WHICH CURRENT PRACTITIONERS ARE EXEMPTED FROM COMPLIANCE WITH PROPOSED ENTRY STANDARDS) HAS BEEN INCLUDED IN THE REGULATION PROPOSED BY THE APPLICANT GROUP, HOW IS

THAT CLAUSE JUSTIFIED? WHAT SAFEGUARDS WILL BE PROVIDED TO CONSUMERS REGARDING THIS GROUP?

NA

#### **IV. REGULATION WILL MITIGATE EXISTING PROBLEMS**

26. WHAT SPECIFIC BENEFITS WILL THE PUBLIC REALIZE IF THIS OCCUPATION IS REGULATED? INDICATE HOW THE PROPOSED REGULATION WILL CORRECT OR PRECLUDE CONSUMER INJURY. DO THESE BENEFITS GO BEYOND FREEDOM FROM HARM? IF SO, IN WHAT WAY?

This measure seeks to regulate the segment of the automotive service industry that is not currently regulated. That means that all customers, even low income customers who frequent the less expensive quick lube shops that are currently unregulated, will benefit from the same protections in place at regulated shops.

27. WHICH CONSUMERS OF PRACTITIONER SERVICES ARE MOST IN NEED OF PROTECTION? WHICH REQUIRE THE LEAST PROTECTION? WHICH CONSUMERS WILL BENEFIT MOST AND LEAST FROM REGULATION?

All customers should receive the same protections.

28. PROVIDE EVIDENCE OF “NET” BENEFIT WHEN THE FOLLOWING POSSIBLE EFFECTS OF REGULATION ARE CONSIDERED:

**A. RESTRICTION OF OPPORTUNITY TO PRACTICE**

If a shop commits fraud, they should be subject to BAR oversight and enforcement. This would include having their registration revoked if the actions are not corrected.

**B. RESTRICTED SUPPLY OF PRACTITIONERS**

NA

**C. INCREASED COSTS OF SERVICE TO CONSUMER**

NA

**D. INCREASED GOVERNMENTAL INTERVENTION IN THE MARKETPLACE**

By ensure all practitioners are registered, the industry will have a more level playing field.

#### **V. PRACTITIONERS OPERATE INDEPENDENTLY, MAKING DECISIONS OF CONSEQUENCE**

29. TO WHAT EXTENT DO INDIVIDUAL PRACTITIONERS MAKE PROFESSIONAL JUDGMENTS OF CONSEQUENCE? WHAT ARE THESE JUDGMENTS? HOW FREQUENTLY DO THEY OCCUR? WHAT ARE THE CONSEQUENCES?

Unknown.

30. TO WHAT EXTENT DO PRACTITIONERS WORK INDEPENDENTLY (AS OPPOSED TO WORKING UNDER THE AUSPICES OF AN ORGANIZATION, AN EMPLOYER OR A SUPERVISOR)?

Most work under an employer, though there are thousands of small independent shops.

31. TO WHAT EXTENT DO DECISIONS MADE BY THE PRACTITIONER REQUIRE A HIGH DEGREE OF SKILL OR KNOWLEDGE TO AVOID HARM?

Practitioners only need to know how to change oil to participate in this new category of registration.

## **VI. FUNCTIONS AND TASKS OF THE OCCUPATION ARE CLEARLY DEFINED**

32. DOES THE PROPOSED REGULATORY SCHEME DEFINE A SCOPE OF ACTIVITY WHICH REQUIRES LICENSURE, OR MERELY PREVENT THE USE OF A DESIGNATED JOB TITLE OR OCCUPATIONAL DESCRIPTION WITHOUT A LICENSE?

The regulatory scheme would require anyone providing vehicle maintenance services to register as an Automotive Maintenance Provider with BAR.

33. DESCRIBE THE IMPORTANT FUNCTIONS, TASKS AND DUTIES PERFORMED BY PRACTITIONERS. IDENTIFY THE SERVICES AND/OR PRODUCTS PROVIDED.

Automotive Maintenance Providers simply provide vehicle maintenance services such as oil and lube changes and changing wiper blades. They do not repair vehicles.

34. IS THERE A CONSENSUS ON WHAT ACTIVITIES CONSTITUTE COMPETENT PRACTICE OF THE OCCUPATION? IF SO, PROVIDE DOCUMENTATION. IF NOT, WHAT IS THE BASIS FOR ASSESSING COMPETENCE?

There is currently no skill requirement and no testing for competency at performing the services sold to the customer.

35. ARE INDICATORS OF COMPETENT PRACTICE LISTED IN RESPONSE TO QUESTION #34 MEASURABLE BY OBJECTIVE STANDARDS SUCH AS PEER REVIEW? GIVE EXAMPLES.

NA

36. SPECIFY ACTIVITIES OR PRACTICES THAT WOULD SUGGEST THAT A PRACTITIONER IS INCOMPETENT. TO WHAT EXTENT IS PUBLIC HARM CAUSED BY PERSONAL FACTORS SUCH AS DISHONESTY?



Customers seeking to have their oil changed can face fraud and deceptive practices that are illegal if done by regulated Automotive Repair Dealers. Fraudulent practices include overselling of parts or services that are not needed.

## **VII. THE OCCUPATION IS CLEARLY DISTINGUISHABLE FROM OTHER OCCUPATIONS THAT ARE ALREADY REGULATED**

37. WHAT SIMILAR OCCUPATIONS HAVE BEEN REGULATED IN CALIFORNIA?

Automotive Repair Dealers, those with the legal authority to diagnose and repair vehicles, are currently regulated. Those who only perform services that are not considered repairs are currently exempt.

38. DESCRIBE FUNCTIONS PERFORMED BY PRACTITIONERS THAT DIFFER FROM THOSE PERFORMED BY OCCUPATIONS LISTED IN QUESTION #37.

ARDs may perform oil changes already.

39. INDICATE THE RELATIONSHIPS AMONG THE GROUPS LISTED IN RESPONSE TO QUESTION #37 AND PRACTITIONERS. CAN PRACTITIONERS BE CONSIDERED A BRANCH OF CURRENTLY REGULATED OCCUPATIONS?

Nonregulated practitioners are not a branch. They simply do minor services as opposed to repairs. Regulated ARDs may do both repairs and maintenance.

40. WHAT IMPACT WILL THE REQUESTED REGULATION HAVE UPON THE AUTHORITY AND SCOPES OF PRACTICE OF CURRENTLY REGULATED GROUPS?

None expect to hopefully level the playing field.

41. ARE THERE UNREGULATED OCCUPATIONS PERFORMING SERVICES SIMILAR TO THOSE OF THE GROUP TO BE REGULATED? IF SO, IDENTIFY.

No. This measure would ensure everyone is finally regulated.

42. DESCRIBE THE SIMILARITIES AND DIFFERENCES BETWEEN PRACTITIONERS AND THE GROUPS IDENTIFIED IN *QUESTION 41*.

NA

## **VIII. THE OCCUPATION REQUIRES POSSESSION OF KNOWLEDGE, SKILLS AND ABILITIES THAT ARE BOTH TEACHABLE AND TESTABLE**

43. IS THERE A GENERALLY ACCEPTED CORE SET OF KNOWLEDGE, SKILLS AND ABILITIES WITHOUT WHICH A PRACTITIONER MAY CAUSE PUBLIC HARM? PLEASE DESCRIBE AND PROVIDE DOCUMENTATION.

No. Practitioners simply must be able to do the work.

44. WHAT METHODS ARE CURRENTLY USED TO DEFINE THE REQUISITE KNOWLEDGE, SKILLS AND ABILITIES? WHO IS RESPONSIBLE FOR DEFINING THESE KNOWLEDGE, SKILLS AND ABILITIES?

None

45. ARE THESE 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)?

No, there is no current standard.

46. LIST INSTITUTIONS AND PROGRAM TITLES OFFERING ACCREDITED AND NON-ACCREDITED PREPARATORY PROGRAMS IN CALIFORNIA. ESTIMATE THE ANNUAL NUMBER OF GRADUATES FROM EACH. IF NO SUCH PREPARATORY PROGRAMS EXIST WITHIN CALIFORNIA, LIST PROGRAMS FOUND ELSEWHERE.

NA

47. APART FROM THE PROGRAMS LISTED IN QUESTION #46, INDICATE VARIOUS METHODS OF ACQUIRING REQUISITE KNOWLEDGE, SKILL AND ABILITY. EXAMPLES MAY INCLUDE APPRENTICESHIPS, INTERNSHIPS, ON-THE-JOB TRAINING, INDIVIDUAL STUDY, ETC.

Apprenticeships and internships, on the job training, community college courses.

48. ESTIMATE THE PERCENTAGE OF CURRENT PRACTITIONERS TRAINED BY EACH OF THE METHODS DESCRIBED IN QUESTIONS 46 AND 47.

Unknown

49. 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.

No

50. DESCRIBE THE FORMAT AND CONTENT OF EACH EXAMINATION LISTED IN QUESTION 49. DESCRIBE THE SECTIONS OF EACH EXAMINATION. WHAT

COMPETENCIES ARE EACH DESIGNED TO MEASURE? HOW DO THESE RELATE TO THE KNOWLEDGE, SKILLS AND ABILITIES LISTED IN QUESTION 43?

NA

51. 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?

NA

## **IX. ECONOMIC IMPACT OF REGULATION IS JUSTIFIED**

52. HOW MANY PEOPLE ARE EXPOSED ANNUALLY TO THIS OCCUPATION? WILL REGULATION OF THE OCCUPATION AFFECT THIS FIGURE? IF SO, IN WHAT WAY?

All drivers are exposed to this occupation. Regulation will not change the figure.

53. WHAT IS THE CURRENT COST OF THE SERVICE PROVIDED? ESTIMATE THE AMOUNT OF MONEY SPENT ANNUALLY IN CALIFORNIA FOR THE SERVICES OF THIS GROUP. HOW WILL REGULATION AFFECT THESE COSTS? PROVIDE DOCUMENTATION FOR YOUR ANSWERS.

Costs range drastically.

54. OUTLINE THE MAJOR GOVERNMENTAL ACTIVITIES YOU BELIEVE WILL BE NECESSARY TO APPROPRIATELY REGULATE PRACTITIONERS. EXAMPLES MAY INCLUDE SUCH PROGRAM ELEMENTS SUCH AS: QUALIFICATIONS EVALUATION, EXAMINATION DEVELOPMENT OR ADMINISTRATION, ENFORCEMENT, SCHOOL ACCREDITATION, ETC.

BAR will regulate these new Automotive Maintenance Providers in the same manner they regulate ARDs. BAR will have more shops they can inspect and more registration revenue coming in.

55. PROVIDE A COST ANALYSIS SUPPORTING REGULATORY SERVICES TO 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

Unknown

56. HOW MANY PRACTITIONERS ARE LIKELY TO APPLY EACH YEAR FOR CERTIFICATION IF THIS REGULATION IS ADOPTED? IF SMALL NUMBERS WILL APPLY, HOW ARE COSTS JUSTIFIED?

Unknown. However, all unregulated shops that currently provide maintenance services will have to register.

57. DOES ADOPTION OF THE REQUESTED REGULATION REPRESENT THE MOST COST-EFFECTIVE FORM OF REGULATION? INDICATE ALTERNATIVES CONSIDERED AND COSTS ASSOCIATED WITH EACH.

No, if the Automotive Maintenance Providers were regulated as ARDs that would be cost effective for BAR, but could increase costs to the currently unregulated maintenance providers.

**Part C2 – Rating on Sunrise Criteria**

Assign each Criterion a numeric rating of 0–5 in the space provided. The rating should be supported by the answers provided to the questions in part C1. Scale descriptions are intended to give examples of characteristics indicative of ratings.

0 \_\_\_\_\_ 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5

(*Little Need for Regulation*) LOW HIGH (*Great Need for Regulation*)

**I. UNREGULATED PRACTICE OF THIS OCCUPATION WILL HARM OR ENDANGER THE PUBLIC HEALTH SAFETY AND WELFARE \_\_\_3\_\_\_**

*low:* Regulation sought only by practitioners. Evidence of harm lacking or remote. Most effects secondary or tertiary. Little evidence that regulation would correct inequities.

*high:* Significant public demand. Patterns of repeated and severe harm, caused directly by incompetent practice. Suggested regulatory pattern deals effectively with inequity. Elements of protection from fraudulent activity and deceptive practice are included.

**II. EXISTING PROTECTIONS AVAILABLE TO THE CONSUMER ARE INSUFFICIENT \_5\_\_\_\_\_**

*low:* Other regulated groups control access to practitioners. Existing remedies are in place and effective. Clients are generally groups or organizations with adequate resources to seek protection.

*high:* Individual clients access practitioners directly. Current remedies are ineffective or nonexistent.

**III. NO ALTERNATIVES TO REGULATION WILL ADEQUATELY PROTECT THE PUBLIC \_\_\_4\_\_\_**

*low:* No alternatives considered. Practice unregulated in most other states. Current system for handling abuses adequate.

*high:* Exhaustive search of alternatives finds them lacking. Practice regulated elsewhere. Current system ineffective or nonexistent.

#### **IV. REGULATION WILL MITIGATE EXISTING PROBLEMS \_\_5\_\_**

*low:* Little or no evidence of public benefit from regulation. Case not demonstrated that regulation precludes harm. Net benefit does not indicate need for regulation.

*high:* Little or no doubt that regulation will ensure consumer protection. Greatest protection provided to those who are least able to protect themselves. Regulation likely to eliminate currently existing problems.

#### **V. PRACTITIONERS OPERATE INDEPENDENTLY, MAKING DECISIONS OF CONSEQUENCE \_\_5\_\_**

*low:* Practitioners operate under the supervision of another regulated profession or under the auspices of an organization which may be held responsible for services provided. Decisions made by practitioners are of little consequence.

*high:* Practitioners have little or no supervision. Decisions made by practitioners are of consequence, directly affecting important consumer concerns.

#### **VI. FUNCTIONS AND TASKS OF THE OCCUPATION ARE CLEARLY DEFINED \_\_3\_\_**

*low:* Definition of competent practice unclear or very subjective. Consensus does not exist regarding appropriate functions and measures of competence.

*high:* Important occupational functions are clearly defined, with quantifiable measures of successful practice. High degree of agreement regarding appropriate functions and measures of competence.

#### **VII. THE OCCUPATION IS CLEARLY DISTINGUISHABLE FROM OTHER OCCUPATIONS THAT ARE ALREADY REGULATED \_\_2\_\_**

*low:* High degree of overlap with currently regulated occupations. Little information given regarding the relationships among similar occupations.

*high:* Important occupational functions clearly different from those of currently regulated occupations. Similar non-regulated groups do not perform critical functions included in this occupation's practice.

#### **VIII. THE OCCUPATION REQUIRES POSSESSION OF KNOWLEDGES, SKILLS AND ABILITIES THAT ARE BOTH TEACHABLE AND TESTABLE \_\_2\_\_**

*low:* Required knowledge undefined. Preparatory programs limited in scope and availability. Low degree of required knowledge or training. Current standard sufficient to measure competence without regulation. Required skill subjectively determined; not teachable and/or not testable.

*high:* Required knowledges clearly defined. Measures of competence both objective and testable. Incompetent practice defined by lack of knowledge, skill or ability. No current standard effectively used to protect public interest.

#### **IX. ECONOMIC IMPACT OF REGULATION IS JUSTIFIED   4**

*low:* Economic impact not fully considered. Dollar and staffing cost estimates inaccurate or poorly done.

*high:* Full analysis of all costs indicate net benefit of regulation is in the public interest.