

# INDIANA OCCUPATIONAL LICENSING POLICY

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## LEARNING CONSORTIA CORE TEAM

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### OBJECTIVE

The objective of this document is to provide a summary of the Core Team's activities to date and to serve as a guide for discussions on next steps related to occupational regulation.

This document was generated specifically for the Core Team meeting that will be held on the morning of May 22nd following the presentations and stakeholder engagement that will occur in the Occupational Regulation sessions at the Indiana Health Workforce Summit on May 21st.

### OCCUPATIONAL LICENSING POLICY LEARNING CONSORTIUM

In 2017, Indiana was awarded as one of 11 states participating in the [Occupational Licensing Policy Learning Consortium](#).

### INDIANA'S PARTICIPATION IN THE CONSORTIUM

At the start of this project, Indiana's Core Team planned to focus efforts on four health sector occupations (CNA, LPN, EMT/Paramedic, Dental Hygienist). In 2018, workforce data and policies were reviewed and discussed by Indiana's Core and Home Teams (including the Governor's Health Workforce Council). At that time, it was identified that Indiana had great work that minimized unnecessary barriers to entry into these occupations.

In late 2018, the Core Team expressed a desire to learn more about licensure compacts for three occupations: nursing, EMS, and physicians. In December 2018, a Licensure Compacts Learning Lab was held in Indiana and a law was passed in May 2019 to enact Indiana's participation in the Nurse Licensure Compact (the Core Team is interested in conducting additional research on the REPLICIA initiative during Summer 2019).

In addition to the Core Team's interest in licensure compacts, there has been increasing interest in understanding more about sunrise review processes in other states as a mechanism to identify appropriate level of occupational regulation for professions.

What is Indiana's current process for introducing new (or changes in) regulation for health occupations?

Indiana has never had formal sunrise review provisions; however, over the last several decades, Indiana had a number of provisions around sunset.

### SUNSET PROVISION HISTORY

A review of Indiana's history with sunset review was conducted and is available [online](#). This review found that Indiana had previous initiatives to review occupational regulation, dating back to 1979 (this work had various titles throughout the years: Indiana Sunset Evaluation Committee, Regulated Occupations Evaluation Committee, Jobs Creation Committee). Currently, the Indiana Professional Licensing Agency is responsible for evaluating regulated occupations and boards for appropriateness every 5 years (per IC 25-1-16-8).

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## SUNRISE PROVISION SUMMARY

A formal review process does not exist within the state of Indiana for unregulated occupations seeking regulation. Such a process is called a “Sunrise review.”

## INDIANA’S CURRENT PROCESS FOR SUNRISE REVIEW

If an occupation seeks regulation, changes are proposed similar to any other statutory change; a legislator proposes legislation to go through the legislative process. Generally, bills for sunrise of health occupations are assigned to health committees but may be assigned to other committees at the chamber leader’s discretion (ex: Compact legislation went to the House Statutory Committee on Interstate and International Cooperation).

“Sunrise review” refers to  
**1)** introduction of new regulation for previously unregulated occupations or  
**2)** change in regulation for currently regulated occupations (ex: change in educational requirements, practice provisions, etc).

## HOW DO OTHER STATES CONDUCT SUNRISE REVIEWS?

13 states have formal sunrise review processes.<sup>1</sup> Additional information was identified on 11 of these states.

### Sunrise processes vary significantly by state in terms of

- **Scope** (health, non-health, all)
  - Eight states conduct sunrise review for all occupations (one state has a separate processes for health and non-health occupations).
  - Three states conduct sunrise review only for health occupations.
- **Who requests** the sunrise review?
  - States vary significantly on whether the request should come from a state official (executive branch), legislative committee, or general public (which may include professionals themselves/professional associations).
- **Who conducts** the sunrise review?
  - States vary in who is responsible for conducting the sunrise review. In some states, this is assigned to a specific legislative committee, executive agency (licensing agency or state auditor), or expert committee (comprised of researchers, subject matter experts, and occupational representatives).
- **What is the process** from regulatory recommendations to action/implementation?
  - In most states, the recommendations are submitted to the appropriate legislative committee. In some states, the report is also submitted to executive representation (licensing agency/boards, governor, etc.). Once a final recommendation is agreed upon, legislative leadership has discretion to propose legislation for consideration of broader general assembly.

<sup>1</sup><https://www.clearhq.org/page-486181>

# WHAT BENEFITS/CHALLENGES ARE ASSOCIATED WITH INDIANA'S CURRENT PROCESS & POTENTIAL SUNRISE REVIEW PROCESS?

Share your thoughts below:

Indiana's Current Process for Introducing Regulation for Unregulated Occupations

Formal Sunrise Review Process

Effectiveness	
Cost Efficiency (Time/Financial Resources)	
Accessibility/Equity	
Administrative Feasibility	
Political Feasibility	
Potential Complications/ Adverse Outcomes	

# IF THERE IS INTEREST IN A SUNRISE REVIEW PROCESS, WHAT IS THE “MENU” OF OPTIONS FOR IMPLEMENTATION, AS IMPLEMENTED IN OTHER STATES?

## WHAT TYPES OF OCCUPATIONS MAY GO THROUGH A SUNRISE REVIEW PROCESS?

ALL OCCUPATIONS

ONLY HEALTH OCCUPATIONS

ONLY NON-HEALTH OCCUPATIONS

BOTH HEALTH & NON-HEALTH OCCUPATIONS BUT SEPARATE PROCESSES

## WHO CONDUCTS THE SUNRISE REVIEW?

### LEGISLATIVE COMMITTEES RELATED TO PROFESSIONS

(ex: health occupations would go to a health committee)

Legislative Committee assigned to conduct all sunrise reviews

### EXECUTIVE AGENCY

- Auditor
- Regulatory/Licensing Agency
- State Health Agency

### “TECHNICAL COMMITTEE”

comprised of subject matter experts, professionals, legislators, executive agency (health), consumer

### INTERESTED PARTY/APPLICANT GROUP ITSELF

## HOW IS THE SUNRISE REVIEW INITIATED?

### WHO REQUESTS THE REVIEW?

#### Legislature

- Leadership (Speaker of the House/President of Senate)
- House/Senate Committees on Health or Human Resources
- House/Senate Committees on Labor/Employment

#### General Public

- Professional Associations

### WHAT TRIGGERS THE NEED FOR A REVIEW?

A sunrise review is required for introduction of any new regulation.

Legislative leadership decides whether a formal review necessary.

A review is conducted anytime one is requested, but an occupation can only be reviewed every X number of years.

## WHAT ARE THE COMPONENTS OF THE SUNRISE REVIEW PROCESS?

### PUBLIC TESTIMONY?

- Required
- Permitted

### HOW ARE SUNRISE REVIEWS' STAFFING COSTS COVERED?

- Legislative staff
- Executive agency staff
- Costs (up to \$1,000) provided by the sunrise review requestor
- Applicant group completes review

### FINAL REPORT/RECOMMENDATION IS SUBMITTED TO WHO IN LEGISLATURE?

- Leadership (Speaker, Senate Pres.)
- Oversight committee
- Joint standing committee (interim)
- Occupation-Relevant Committees (i.e. Health)