

**PRI Sunset Review Project
Overall Findings and Recommendations**

Recap of 2011 PRI Sunset Reviews	
•	Examined two programs on the sunset review list <ul style="list-style-type: none"> ○ <i>Board of Examiners of Embalmers and Funeral Directors</i> ○ <i>Regulation of Hearing Instrument Specialists</i>
•	Conducted performance audit using two methodologies/approaches: <ul style="list-style-type: none"> ○ <i>Traditional sunset review</i> ○ <i>RBA approach</i>

Lessons Learned	
+	Automatic termination date requires the program/entity to justify its existence in order to continue
+	Criteria provide standard by which to consistently audit performance
+	Review led to useful findings and recommendations
–	Legislature has postponed doing sunset reviews for almost 30 years
–	Questionable how useful current sunset review list of programs and entities is to the legislature
–	May not be necessary to review most programs/entities more than once

Proposal to Make Sunset More Useful to Legislature	
<i>The List</i>	
▶	Remove current programs/entities from sunset review list—most have already been reviewed at least once and reauthorized
▶	Redirect sunset efforts toward new regulatory requirements <ul style="list-style-type: none"> ▶ Legislature would have option of attaching sunset review to any new regulatory requirements ▶ New regulatory requirements would include new licenses, permitting, and other new business mandates
<i>The Criteria</i>	
▶	Generally retain current sunset criteria <ul style="list-style-type: none"> ▶ Overall purpose still to protect public health, safety, and welfare
▶	Add criterion to assess extent that regulatory requirement is being implemented in a streamlined way that avoids inconsistent, duplicative and/or unnecessary requirements or procedures
<i>The Cycle</i>	
▶	Variable, up to six years from date new regulatory requirement established
▶	Sunset reviewed and reauthorized regulatory requirements would not be reviewed again unless legislature schedules a new date for termination
<i>The Data and Report</i>	
▶	Agency responsible for implementing new regulatory requirement develops results-based measures and submits data development plan to PRI in first year
▶	Sunset review report to present findings in concise, outcomes-oriented format

**Findings and Recommendations for
Board of Examiners of Embalmers and Funeral Directors**

<u>FINDINGS</u>	
●	<p>Overall embalmer, funeral director and funeral home regulation</p> <ul style="list-style-type: none"> ○ Compared to a less regulated time when there was no funeral home inspector, the more recent period when there were inspectors shows more civil penalties imposed and licenses revoked or voluntarily surrendered ○ The regulatory requirements help maintain sanitary conditions and protect public health from illness spread through the deceased ○ Many of the individuals entering into the increasingly popular pre-need funeral service contracts are considered frail and vulnerable elderly at risk for being taken advantage of by unscrupulous practitioners
●	<p>Board of Examiners of Embalmers and Funeral Directors</p> <ul style="list-style-type: none"> ○ DPH reports successfully maintaining public health, safety and welfare in more than 50 other health profession licensure categories that do not have boards ○ The board reports that its professional and public members provide a unique and combined ability to hear and fully understand issues involving both public health and safety, grief, and consumer protection issues unique to the funeral industry ○ The DPH board liaison noted that board members generally ask questions that may not necessarily be posed by a hearing officer in a non-board profession case, particularly for cases concerning standards of care
<u>OVERALL RECOMMENDATIONS</u>	
▶	<p>Continue licensure of embalmers, funeral directors, and funeral homes</p> <ul style="list-style-type: none"> ○ The public does not have the capability and experience to select and assess the quality of embalmers, funeral directors, and funeral homes ○ The emotional well-being of mourners could be threatened at a vulnerable time as demonstrated by instances (complaints) where the embalmer and funeral director did not adhere to licensure requirements
▶	<p>Continue Board of Examiners of Embalmers and Funeral Directors</p> <ul style="list-style-type: none"> ○ It is uncertain what advantage would be gained by eliminating the board as there is little to no expense to the department or public, and board members provide readily available expertise to draw upon for the processing of complaints
<u>RECOMMENDED MODIFICATIONS</u>	
▶	<p>Expand current funeral home regulations</p> <ul style="list-style-type: none"> ○ The current regulations pertaining to embalmers and funeral directors are limited ○ DPH staff recommends expanding the current regulations to clarify statutory requirements related to funeral homes, addressing issues such as definition of “funeral service” and specific requirements for funeral home inspections
▶	<p>Include five years of data in DPH licensure report</p> <ul style="list-style-type: none"> ○ Data on the numbers of licensed personnel and facilities are reported annually in DPH’s publication, “Total Active Licenses” ○ To improve ease of analyzing trends, have five years of licensing data in the report

**Findings and Recommendations for
Board of Examiners of Embalmers and Funeral Directors, Continued**

RECOMMENDED MODIFICATIONS, Continued	
▶	<p>Clarify where consumers file pre-need funeral service contract complaints</p> <ul style="list-style-type: none"> ○ DCP website could reduce consumer confusion by specifically stating that it handles pre-need funeral service contract and other business-practice related complaints, and DPH handles service-related complaints ○ DPH website could reduce consumer confusion by providing this same information so that complainants are clear as to where to register their complaints
▶	<p>Make consumers aware of DCP Pre-Need Funeral Service Contracts Fact Sheet</p> <ul style="list-style-type: none"> ○ PRI staff believes the DCP Pre-Need Funeral Service Contracts Fact Sheet will help to better inform consumers ○ Beyond having the fact sheet on the DCP website, the DPH and DSS websites should provide a link to the document on the DCP website. ○ Funeral directors and embalmers should distribute paper copies of the fact sheet to customers considering or purchasing a pre-need funeral service contract
▶	<p>Establish a Pre-Need Funeral Service Contract Guaranty Fund</p> <ul style="list-style-type: none"> ○ DCP currently maintains five guaranty funds and could make a similar arrangement to address the occasional diversion of pre-need funeral service contract funds ○ The guaranty fund would be available to reimburse consumers for funds lost in a pre-need funeral service contract due to malfeasance by a funeral home ○ Ten dollars from each embalmer and funeral director license renewal fee would be transferred into the pre-need funeral contract guaranty fund
▶	<p>Request timeframe for when board member vacancy will be filled</p> <ul style="list-style-type: none"> ○ The Governor's Office appoints the five members of the Board of Examiners of Embalmers and Funeral Directors, two of whom are members of the public, and three of whom are actively licensed and practicing embalmers ○ More than six months have passed since DPH notified the Governor's Office of a public board member vacancy; however, it has not yet been filled ○ As the state auditors pointed out, boards without a full complement of participating members may not benefit from the intended representation of various public and private sector groups ○ The DPH commissioner should request of the Governor's Office the anticipated timeframes for the filling of DPH board and commission vacancies
▶	<p>Institute a board hearing attendance requirement</p> <ul style="list-style-type: none"> ○ There are no requirements for board member attendance at board hearings on complaints ○ Because the perspective of both the public and the professional is important to the work of the board, at least one public board member and one professional board member should be present at board hearings on complaints

**Findings and Recommendations for
Regulation of Hearing Instrument Specialists**

<u>FINDINGS</u>	
•	Hearing loss is one of the most prevalent chronic health conditions, with 30 percent of adults aged 65-75 (and 47 percent of adults aged 75 or older) having a hearing impairment
•	Hearing aids are classified as medical devices by the FDA <ul style="list-style-type: none"> ○ There is evidence that incorrectly fitted hearing aids, such as devices with too much amplification, can damage remaining hearing
•	The public would find it difficult to determine competence and whether they received quality services, particularly for an elderly, vulnerable population
•	Hearing instrument specialists are regulated in all 50 states, most often through licensure (92 percent of the time)
•	Colorado found significant actual public harm following the unregulated practice of hearing aid sales, and subsequently re-regulated the profession
<u>OVERALL RECOMMENDATION</u>	
▶	Continue licensure of hearing instrument specialists <ul style="list-style-type: none"> ○ A less restrictive method of regulation would not adequately protect the public from practitioners lacking training and educational requirements ○ Licensure requirements contribute negligible expense to the profession, making it unlikely that they significantly impact the cost to the public ○ DPH (rather than DCP) is the appropriate agency for this regulation as hearing aids are considered medical devices, and hearing instrument specialists screen clients for eight medical conditions
<u>RECOMMENDED MODIFICATIONS</u>	
▶	Add continuing education requirement for licensure renewal <ul style="list-style-type: none"> ○ Hearing aid technology is a rapidly changing field, with new software and products approximately every three years ○ The public may be better served by having a continuing education requirement
▶	Eliminate requirements for audiologists under the hearing instrument specialist statute <ul style="list-style-type: none"> ○ The hearing instrument specialist statute requires audiologists to pass an exam, get another license, or submit documentation to DPH before they can fit and dispense hearing aids ○ This statutory requirement is unnecessary as the practice of audiology includes fitting or selling hearing aids (C.G.S. Sec. 20-395a), and audiology licensure requires a doctorate
▶	Include five years of data in DPH licensure report <ul style="list-style-type: none"> ○ Data on the numbers of licensed personnel and facilities are reported annually in DPH’s publication, “Total Active Licenses” ○ To improve ease of analyzing trends, have five years of licensing data in the report