

Scope of Study

SUNSET REVIEWS: BOARD OF EXAMINERS OF EMBALMERS/FUNERAL DIRECTORS & REGULATION OF HEARING AID DEALERS

BACKGROUND

Under Connecticut's current sunset statute, 75 specified state entities or programs terminate over a five-year cycle, starting July 1, 2013, unless the legislature votes to re-establish each of them. The PRI committee is required to conduct a performance audit of each entity/program and must report out to the legislature recommendations to abolish, re-establish, modify, or consolidate the entity or program at least six months prior to its termination date. The entities or programs have the burden to justify their continued existence.

The utility of Connecticut's sunset law as a legislative oversight tool has been an unsettled question since the first and only cycle of reviews was completed in 1984. The sunset reviews have been postponed repeatedly in the past three decades, while attempts to amend or repeal the Connecticut sunset law have been unsuccessful.¹

In 2009, the PRI committee began a pilot project applying Results Based Accountability (RBA), a methodology used increasingly by the Appropriations Committee since 2005 to evaluate program effectiveness. RBA poses three primary questions for program performance, and has the potential to replace all or aspects of the traditional sunset review process. The PRI committee is now using the RBA methodology for a third pilot project study, consistent with its 2009 recommendation to reconsider the future of sunset in 2012.

STUDY FOCUS

This study will review two entities/programs on the first year of the sunset list (set to terminate July 1, 2013): 1) the *Board of Examiners of Embalmers and Funeral Directors*, located within and assisted by the Department of Public Health (DPH); and 2) the *hearing aid dealer* regulation program, administered totally by DPH. Both the current sunset criteria and RBA questions will be applied to compare the processes and results of a traditional sunset performance audit with those of an RBA assessment. The entities/programs were chosen for this project because: both regulate individual practices--the most prevalent type of sunset review entity/program; and they provide a contrast in presence or absence of a board, and size (just 122 licensed hearing instrument specialists versus 887 licensed embalmers and funeral directors).²

This approach will offer a first-hand opportunity to observe and understand the benefits and drawbacks of the sunset performance audit process and results. Changes to the sunset law will be considered to improve the efficiency and effectiveness of this legislative oversight tool.

¹ Two PRI studies have reviewed Connecticut's sunset law and process: *Sunset Law in Connecticut*, (December 2007); *Sunset Review Process in Connecticut* (December 1998). Another approach, focusing on larger agencies and expenditures, was piloted in 1984.

² Connecticut Department of Public Health: Total active licenses for calendar year 2010.

AREAS OF ANALYSIS

1. Describe the two entities including definition and background, entity structure and functions, licensure requirements, and previous sunset review results.
2. Conduct performance audits of the two entities using the criteria specified in Connecticut sunset law (Secs. 2c-7 and 2c-8):
 - Criteria for determining public need for a regulatory entity or program:
 - a. whether termination of the entity or program would significantly endanger the public health, safety or welfare;
 - b. whether the public could be adequately protected by another statute, entity or program, or by a less restrictive method of regulation;
 - c. whether the entity or program produces any direct or indirect increase in cost of goods or services, and if so, whether public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and
 - d. whether the effective operation of the entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies;
 - Criteria for determining whether a regulatory entity or program served the general public:
 - e. the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program;
 - f. the extent to which the governmental entity involved has complied with federal and state affirmative action requirements;
 - g. the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated;
 - h. the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and
 - i. the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to regulation.
3. Use Results Based Accountability (RBA) to assess the two entities by answering the three RBA questions: 1) How much did we do?; 2) How well did we do it?; and 3) Is anyone better off?
4. Summarize findings and recommendations for the two entities reviewed.
5. Compare the process and results of the traditional sunset performance audit with the RBA assessment methodology.
6. Consider any overall changes to the sunset law to improve efficiency and effectiveness including but not limited to the following four key features of Connecticut's sunset law:
 - a. prescribed list of entities and programs subject to sunset review;
 - b. criteria/methodology used as a common framework of inquiry;
 - c. usefulness of sunset "action forcing" mechanism; and
 - d. five-year schedule for periodic review of each entity/program.