



COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

SUNRISE STATUTORY EVALUATION CRITERIA

- (I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public;
- (II) Whether the practitioners of the profession or occupation exercise independent judgment, and whether the public can reasonably be expected to benefit from the direct regulation of the profession or occupation if a practitioner's judgment or practice is limited or subject to the judgment or supervision of others;
- (III) Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence;
- (IV) Whether the public can be adequately protected by other means in a more cost-effective manner; and
- (V) Whether the imposition of any disqualifications on applicants for licensure, certification, relicensure, or recertification based on criminal history serves public safety or commercial or consumer protection interests.



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SUNSET STATUTORY EVALUATION CRITERIA

- (I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare;
- (II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight;
- (III) If the program is necessary, whether the existing rules and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;
- (IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent;
- (V) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;
- (VI) Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively;
- (VII) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VIII) Whether regulatory oversight can be achieved through a director model;
- (IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition;
- (X) If reviewing a regulatory program, whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity;
- (XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel;
- (XII) Whether entry requirements encourage equity, diversity, and inclusivity;
- (XIII) If reviewing a regulatory program, whether the agency through its licensing or certification process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses or certifications that the agency denied based on the applicant's criminal history, the number of conditional licenses or certifications issued based upon the applicant's criminal history, and the number of licenses or certifications revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.
- (XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.