Orientation For Scope of Practice and New Credentialing Reviews

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What is Credentialing Review?

- Credentialing review is a program in the executive branch of government that was created to help lawmakers deal with the complexities of health care credentialing issues
- Credentialing review advises lawmakers regarding proposals from health professionals for either new credentialing or change in scope of practice utilizing legislatively mandated statutory criteria
- The protection of, and/or advancement of, public welfare is its principal objective

What is the Purpose of Credentialing Review?

- To provide lawmakers with information on credentialing issues that is independent of interest groups and lobbying groups
- To focus discussion on health credentialing away from turf and politics toward their implications for health and safety
- To formulate recommendations on the policy direction that is best for the public as regards proposals under review

The Philosophy of the Program

- Regulate only when necessary to protect the public or otherwise advance the public interest
- The least amount of regulation is the best – regulate or increase regulation only when it is clearly necessary to protect the public or otherwise advance the public interest
- Proposals must be both necessary and sufficient to address a credentialing-related issue or problem

How Many Types of Reviews are There?

- There are two types of reviews:
  - Reviews for professions not currently regulated
  - Reviews for changes in scopes of practice

How Many Review Bodies Are There?

- There are three review bodies per review issue: 12 months total to complete each review, using the following sequential order of review bodies:
  - Technical Committees
  - The State Board of Health
  - The Director of the Division of Public Health of the Department of Health and Human Services

- Each review is independent, but is based upon the same application, evidence, and criteria

What are the Meeting Formats?

- Meeting formats used in each Technical Committee review(About six or seven months for completion):
  - Orientation and initial discussion on issues (one meeting)
  - Discussion on the proposal (one or more meetings)
  - Formulation of preliminary recommendations on the proposal (one or more meetings)
  - Public hearing on the proposal and preliminary recommendations (one meeting)
  - Formulation of final recommendations on the proposal (one or more meetings)
  - Approval of the report of recommendations (one meeting – usually a teleconference)
  - Typically, there's about a month between meetings

Meeting Formats (Continued)

- Format for the review of the Board of Health(Two types of meetings):
  - The review by the Board's Credentialing Review Committee
  - The review by the full Board of Health

- Reviews of the Division Director do not utilize public meetings

Charge to Technical Committees

- Composition: 7 members; Chair is BOH member
- Attend all meetings, read all materials
- Critical review of a proposal using criteria, exploring all sides of an issues
    1) Be objective; Set aside all preconceptions on the issues
- Prepare a report of recommendations
    1) Using data from reputable sources
- The role of public members
    1) Represent the public, consumers
- The role of professional members
    1) Provide expertise, professional judgment

The Statutory Criteria

- There are six statutory criteria and there are four initial credentialing criteria
- Purpose of the criteria:

  Criteria are guides to analysis and tools for making recommendations
- Final recommendations on proposals are made via a single ‘up or down’ vote on the proposal under review, but action is also required on each statutory criterion

The Six Scope of Practice Criteria

- The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice
- Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public
- The proposed change in scope of practice does not create a significant new danger to the health, safety or welfare of the public
- The current education and training for the health profession adequately prepares practitioners to perform the new skill or service

The Six Criteria (Continued)

- There are appropriate post-professional programs and competency assessment measures available to assure that the practitioner is competent to perform the new skill or service in a safe manner
- There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently

Criteria for Credentialing a New Health Profession

1. Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public (Or, Absence of a separate regulated profession creates a situation of harm or danger to the health, safety, or welfare of the public)
2. Regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest (Or, Creation of a separate regulated profession would not create a significant new danger to the health, safety, or welfare of the public)
3. The public needs assurance from the State of initial and continuing professional ability (Or, Creation of a separate regulated profession would benefit the health, safety, or welfare of the public)
4. The public cannot be protected by a more effective alternative

Application / Proposal / Amendment / Information(data)

- Proposals are the ideas for making changes in credentialing of health professions
- Applications are the documents that contain these ideas for change
- Applicant groups may only amend the proposal with the committee's approval
- Committees may suggest amendments to applicant groups, subject to applicant group acceptance
- Amendments to proposals should be made prior to the date of the public hearing
- Amendments do not necessarily require an applicant group to rewrite or edit their original application
- Any Information (or data) provided by an applicant group is considered supporting documentation

The Open Meetings Act

- All discussion of issues and conduct of committee business is required to occur at formally noticed meetings
- There are no closed sessions in this program
- Any gathering of a quorum of a technical review committee that discusses committee business and which has not been duly ‘noticed’ in public media is in violation of the Open Meetings Act
- The public must be allowed to speak during at least one meeting of a series of meetings in this program

Ground rules for Internal Versus External Interaction (Lobbying)

- Lobbying of committee members is not appropriate in Credentialing Review
- Information about the issues needs to be shared among all members of each review body(TR Committee, Board of Health Committee, full Board of Health)
- Liaison between committee members' professions and the rest of the committee is encouraged
- It is not appropriate for committee members to attempt to manipulate or exert undue influence on fellow committee members

Ground rules for Committee-Public Interaction (receiving information)

1) Information needs to be submitted to staff no less than one working day prior to a scheduled date for a meeting
2) Members of the public may participate in discussions and/or present testimony on issues with the permission of the chairperson
3) Review bodies may define time limits for public commentary for their meetings. Such time limits must be respected by all attendees, and,
4) A chairperson has the authority to curtail any public commentary as they deem necessary consistent with both openness and good order

The Role of Staff

- Guide members on procedures
- Schedule and organize meetings
- Maintain all documents and records
- Disburse, distribute, or otherwise disseminate all documents and/or public records
- Draft all minutes and reports and submit to the committee for approval
- Staff maintains neutrality on all issues under review

Program Rules of Evidence

- All data or assertions of fact presented during the course of a credentialing review must be supported by appropriate documentation prior to the creation of any reports that emerge from the review process
  - Documentation means the identification of a credible source for the data or information presented

Program Rules of Evidence, Cont'd

- Documentation also means that the source of the data or information is provided to the review panel members

- Any data or assertions of fact that are not supported by appropriate documentation will not be included in any of the reports that emerge from the review process and may not be considered in formulating recommendations

Documents

- Staff 'logs' all documents received in special program folders
- Staff places all documents on the program website at http://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx
- Documents are to be posted on-line prior to the scheduled date of a given meeting, if possible
- Committee members and interested parties are encouraged to share documents e-mailed to them from the public with program staff

Operational Guidelines

- Travel and lodging reimbursement
- Parking reimbursement
- Use worksheets provided by staff
- Submit reimbursement documents after each meeting

Contact information

- Website information:

http://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx
http://dhhs.ne.gov/Licensure/Pages/Licensing-Home-Page.aspx

- Contact information for program staff:

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