

Appendix III: Individual responses on key issues for the Economic Affairs Interim Committee to address regarding boards

<p>Philosophical Questions</p>	<ul style="list-style-type: none"> • Are licensing boards protecting public health-safety-welfare?/What is economic impact and impact on poor people? • Who best performs licensing function? • How are professions protected through licensing/does professional licensing violate economic freedom? • When is a board needed or not needed? Several private organizations already address public health, safety, welfare • Find mechanisms to define public protection • Clear definition of reasonable necessity for boards/ why not "caveat emptor"?/what ramification if no boards? • Provide maximum protection for boards • How to keep special interest groups from "mangling" the law?/Limit influence of corporate lobbyists • How to avoid limits on the profession with licensing/regulation • How to simplify process without creating a bureaucratic nightmare?/Would another layer of regulation be wise? • Address authority and scope of individual state boards/review independence of boards • Is a nationwide license appropriate? • How to address overlapping roles of professionals or boards/cross-professional interference? • Is administrative law unconstitutional?
<p>Board/Department Issues</p>	<ul style="list-style-type: none"> • To not have so few in charge of "the whole thing" • Determine costs of licensing boards (and variations regarding recharges) • Determine cost savings if X number of boards were combined • Determine if reorganization is fulfilling legislative intent -- regarding department philosophy/accountability • Difference now between board function and board authority • Study why department officials muzzle board members -- i.e. role of board members vis-a-vis department • Study funding/cost disbursement/assessment among boards • Staffing -- freedom and autonomy for board members and employees/review board secretaries of more than 1 board • Determine costs of licensing and disparity among disciplines. • Financing for small boards • Meaning of administrative attachment (various versions)/oversight of "power hunger boards" • How information is disseminated • Semi-independent agencies for some boards? • Who do employees work for - the department or the boards? • Are the department's standardization efforts appropriate? Sometimes department seems to act on its own. • Is staffing adequate ? Lack of staffing for Board of Nursing • Who audits staff expenditures and assures that overhead costs are proportionate?/Use outside budget developers. • Limit employment of bureaucratic board employees • Boards must have more of their own licensed people • Board attorneys must help enforcement not hinder/Allow boards to hire attorneys. • Boards need to be more involved in day-to-day operations - board sets budget, license requirements

More Licensing/Regulation

- Heating and Cooling License for HVAC and plumbing contractors
- License de facto architects, practice of architecture by engineers/home draftsmen
- Mechanics/auto repair shops
- Massage therapists
- Multilevel licensing
- Accounting and tax preparation services
- Statewide licensing of gas fitters for uniformity/ licensing of those who install flammable gas lines
- Marriage and family therapists
- Alternative health care for animals/Dog groomers
- Social worker multilevel licensing/Title protection/child protective workers, incl those with Children & Family Services Division - prevent use of term social worker by those not licensed
- Instrument people (computer techs and related electrician-type techs who do work similar to electricians)
- Professional geologists and combine them with professional design boards./GIS and planning disciplines
- Contractors (roofers, carpenters, anyone in building trades etc.), testing for contractor registration
- License all lenders (incl. mortgage lenders)
- License Emergency Medical Technicians to work in a hospital
- Include licensing of occupations/professions once licensed but no longer licensed
- Food handlers
- Diet supplement industry/herbologists
- Title protection for various professions
- Home inspectors/in-house appraisers for lending institutions -- along with code of ethics
- Crematoriums/Public cemeteries
- Certified athletic trainers
- Medical and cardiac ultrasound technicians
- License underground storage tank installers, with board, inspectors
- Reinstate boiler licensing for all pressure classes/investigate whether boiler program should have a board
- Mediators
- Operating room techs or surgical techs
- Pump, septic and lighting installers
- Maintenance people
- Those doing point-of-care laboratory procedures
- Dual licensing provisions, especially for people in same office (E.g. Appraisers/Realtors)
- Interior designers (as subset of Architects Board)
- "Life coaches"
- Military training
- Law enforcement license prior to becoming law enforcement officers
- Persons who work on public water systems
- Internet/Web designers

Less or No Licensing	<ul style="list-style-type: none"> • Licensing not needed for massage. • No need to license manicurists • No need to license security personnel • Does Montana have more licensing/regulation than other states? • Lay midwives should not be licensed
Reevaluation/Renewal of Licenses	<ul style="list-style-type: none"> • Review grandfathered licenses • Real estate broker licenses should be reevaluated • Educational requirements for maintaining licensure • Should there be a minimum number of transactions required for licensure/relicensure? • Make continuing education mandatory /Require ongoing education for all professionals. • Too many hoops to jump through to obtain continuing education units.
Enforcement	<ul style="list-style-type: none"> • Determine whether proper discipline is administered/adequacy of discipline • Enforce regulations, assure consistent enforcement and discipline/cease and desist letters have no effect • More inspections • More timely enforcement of statutes and rules, licensing • Supervising real estate brokers need to be held more accountable • Definition of disciplinary action • Some type of review of board's disciplinary action • Rules of conduct need to be enforceable • Better background checks • More electrical inspectors authorized to enforce statutes • Adequate number of inspectors/compliance officers generally • Increase penalties for unlicensed practice/Stiff penalties for companies that violate licensing requirements • Monitor and audit certified cities/city inspectors • Enforce against providers billing for services they are not licensed to provide • People who are disciplined by a board should be notified.
Scope of Practice Issues	<ul style="list-style-type: none"> • Consider professional practice documents for establishing scope of practice (in statute?) • Independent practice by ARNPs (APRNs?) • Allow pharmacists to prescribe • LPN scope of practices • Nurse practitioners • CRNAs should be able to perform fluoroscopy • How to address professionals who have different scopes of practice? • Concern about "scope of practice" creep if boards set scope of practice • Explore history of "turf" problem/creative solutions and importance of consumer's right of access to services • Consider national scope of practice guidelines.

Complaint Process	<ul style="list-style-type: none"> • Complaint process used incorrectly by competitors/frivolous complaints/vindictive complaints • Improve timely handling of complaints. • Increase accessibility to licensing boards. (see also Public Information section)
Board Creation	<ul style="list-style-type: none"> • Creation of new boards (or separation of functions) • Create board for boiler operators • What criteria are needed for new boards?
Board Consolidation	<ul style="list-style-type: none"> • Combine Board of Landscape Architects with another board • Protect multidisciplinary boards • How to combine boards of similar professions/Use committees for specializations of multidisciplinary boards • Combine all design professional boards (architects, etc.) • Condense boards • Board of Alternative Health Care should not be combined with other health boards • Board of Nursing should work with Board of Medical Examiners/Nurses should be governed by the Board of Medical Examiners. • Consider 3 or 4 mega boards. • Review overlap of Boards of Architecture and Board of Professional Engineers and Land Surveyors.
Board Dissolution	<ul style="list-style-type: none"> • Dissolution of board and licensing requirements • Sunset numerous boards and start with a clean slate
Board Membership	<ul style="list-style-type: none"> • Validity and value of public members on boards • Autonomy and term limits (variations of term limits, including whether they should exist) • Appointment of board members, bias, use of board position • Board appointments should be for a shorter number of terms, drawn from a diverse group and all geographies • Have more people on boards who work in that field • Consider publicly electing board members
Fees/Funding (see also - Board/Department Issues section)	<ul style="list-style-type: none"> • Determine costs of licensing and disparity among disciplines. • Cost of licensing relative to wages/inflation, licensing should not be more than \$200/Cap fees/Reduce costs • Should general fund money be used instead of fees to fund licensing boards? • Do not hide tax increases as "fees" and licenses. • Provide a discount if a person has more than one license. • Raise fees to help state budget. • Fees cannot be based on number of licensees. • Fees should not be so high as to reduce numbers of licensees. • Establish responsible level of funding a board. • Cost effectiveness of licensing.

Public information/Input	<ul style="list-style-type: none"> • Educate consumers • Difficulty in obtaining answers from board(s) • Boards be more involved with public • Board outreach to applicable professionals, etc. • Email notification of board meetings/ post online notices of events • How can a professional question board/interact with board? • Need for improved communication between board and licensees/between boards and public
Other	<ul style="list-style-type: none"> • Veterinary Practice Act should be protected from "alternate modality practitioners" who want to charge a fee to diagnose and treat animal diseases and conditions.
	<ul style="list-style-type: none"> • Ability of corporations to dictate employment, terminations before 90 days
	<ul style="list-style-type: none"> • Revoke 37-69-102(a) and (e)--owners/dealers of single-family residences or private dwelling doing plumbing
	<ul style="list-style-type: none"> • Reciprocity / why have to be licensed in more than one state?
	<ul style="list-style-type: none"> • Ethics/management of meetings
	<ul style="list-style-type: none"> • Concerns about: <ul style="list-style-type: none"> • Unqualified people obtaining licenses. • Bribery by state related to continuing ed • Professional Engineers board • Board not effective for medical technologists • Board of Realty Regulation -- particularly regarding enforcement of rules related to advertising • Need for the Board of Clinical Laboratory Science Practitioners? • Unprofessional conduct
	<ul style="list-style-type: none"> • How to reach out to practitioners not wanting licensure
	<ul style="list-style-type: none"> • Provide for minimum training requirements
	<ul style="list-style-type: none"> • Apprentice programs
	<ul style="list-style-type: none"> • Adopt National Electrical Code -- require all work covered in the NEC to be done by a licensed electrician
	<ul style="list-style-type: none"> • Way to address different interpretations of state law by local jurisdictions
	<ul style="list-style-type: none"> • Allow licensed private security officers to wear badges
	<ul style="list-style-type: none"> • Boards serve as governing boards

	<ul style="list-style-type: none"> • Quality of legal representation of boards (variations)
	<ul style="list-style-type: none"> • Continuing education: <ul style="list-style-type: none"> • Let employers handle continuing ed and credentialing • For EMTs - 48 hours • For registered nurses • Require less training time for beauticians, barbers
	<ul style="list-style-type: none"> • Building permits for public buildings, definition of public buildings
	<ul style="list-style-type: none"> • Legislature to determine opt-out status
	<ul style="list-style-type: none"> • LCPC qualifications as currently set prevent reciprocity
	<ul style="list-style-type: none"> • Do not lump physicians with nonmedical people
	<ul style="list-style-type: none"> • Streamline the licensing process
	<ul style="list-style-type: none"> • Provisions for students in all licensing fields/rigorous measures regarding provisional licensees
	<ul style="list-style-type: none"> • Title protection for various fields
	<ul style="list-style-type: none"> • Eliminate pointless legislative meddling/hold legislators accountable when license changes
	<ul style="list-style-type: none"> • Allow licensees to vote on changes to licensing
	<ul style="list-style-type: none"> • Create credentials for social workers
	<ul style="list-style-type: none"> • Are professional associations enforcing their standards?
	<ul style="list-style-type: none"> • Expand licensing to include bondability
	<ul style="list-style-type: none"> • Medical assistants in doctors' offices need testing.
	<ul style="list-style-type: none"> • Radiological board specific modality (Nuclear Medicine)
	<ul style="list-style-type: none"> • Prepaid Legal should be reviewed
	<ul style="list-style-type: none"> • It is important to protect the public from imposters.
	<ul style="list-style-type: none"> • Licensing boards are actually involuntary unions -- prefer voluntary business associations.
	<ul style="list-style-type: none"> • Who addresses abuse of authority/heavy handedness by board members?/Regulatory board should oversee boards

	<ul style="list-style-type: none"> • Consider current federal legislation when considering changes/e.g. national certification
	<ul style="list-style-type: none"> • Limit number of board members attending national training
	<ul style="list-style-type: none"> • Performance review criteria for boards
	<ul style="list-style-type: none"> • Ensure that Board of Nursing maintains professionalism
	<ul style="list-style-type: none"> • Examine extreme politics involved in the Department of Labor and Industry
	<ul style="list-style-type: none"> • Provide support for emergency medical services.
	<ul style="list-style-type: none"> • Limit to two the number of opportunities to pass tests for licensing.
	<ul style="list-style-type: none"> • Purpose of the Board of Outfitters is unclear.
	<ul style="list-style-type: none"> • Day-care licensing is overburdensome/duplicative.
	<ul style="list-style-type: none"> • Every board should adopt best practices in profession.
	<ul style="list-style-type: none"> • Technology trends
	<ul style="list-style-type: none"> • Crane operators' safety provisions.
	<ul style="list-style-type: none"> • Protect boards from the intimidation of laws.
	<ul style="list-style-type: none"> • Better insurance coverage for medical nutrition therapists.
	<ul style="list-style-type: none"> • Security assessment in all hospitals in Montana
	<ul style="list-style-type: none"> • Be sure that criteria for licensure matter
	<ul style="list-style-type: none"> • Look at growing fields and whether they need to be licensed.
	<ul style="list-style-type: none"> • Examine relation between board rules and statutes.
	<ul style="list-style-type: none"> • Designate licensing as providing quality assurance
	<ul style="list-style-type: none"> • Separate Board of Professional Engineers and Land Surveyors into two boards.
	<ul style="list-style-type: none"> • Statewide limit to caseloads for speech language/audiology therapists